
MAIN CASE

Reference No: 15/01476/OUT

Proposal: Erection of four dwellings and associated works.

Site Address: Land Adacent 12 Holt Fen Little Thetford Cambridgeshire

Applicant: Mr & Mrs Fletcher

Case Officer: Richard Fitzjohn, Planning Officer

Parish: Little Thetford

Ward: Stretham

Ward Councillor/s: Councillor Bill Hunt
Councillor Charles Roberts

Date Received: 30 November 2015 **Expiry Date:**
13 April 2016

[Q240]

1.0 **RECOMMENDATION**

1.1 Members are requested to APPROVE this application subject to the recommended conditions below. The conditions can be read in full on the attached Appendix 1.

- 1 Approved plans
- 2 Approval of Reserved Matters
- 3 Time Limit - OUT
- 4 Site Characterisation
- 5 Reporting Unexpected Contamination
- 6 Surface water drainage
- 7 Access drainage
- 8 Driveway surfacing
- 9 Gates restriction
- 10 Access width
- 11 Traffic plan
- 12 PD - Restrictions on new window openings
- 13 No removal of trees and hedges which are to be retained
- 14 Tree protection measures
- 15 Protection of nesting birds
- 16 Bird and bat boxes
- 17 Noise mitigation measures

2.0 SUMMARY OF APPLICATION

2.1 This application seeks outline planning permission for the erection of four dwellings and associated works. All matters are to be reserved.

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.3 This application has been taken to Planning Committee at the discretion of the Planning Manager as the previous application was determined at Planning Committee.

3.0 PLANNING HISTORY

3.1

14/01370/OUT	Erection of four dwellings and associated works.	Refused	06.05.2015
80/00652/OUT	ERECTION OF A DWELLING AND GARAGE	Refused	12.09.1980
80/00270/FUL	ERECTION OF A STORE AND SCAFFOLDING RACKS	Approved	21.08.1980
79/00730/OUT	ERECTION OF A DWELLING WITH YARD FOR STORAGE OF SCAFFOLDING AND LORRY	Approved	26.11.1979

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located to the south east of Little Thetford adjacent to, but outside of, the established development framework for Little Thetford.

4.2 The site is located on the south side of Holt Fen which comprises Holt Fen Common and agricultural land beyond the common; the agricultural land is separated from the common by a mature tree line. The northern side of Holt Fen is characterised by residential development. To the east of the application site is a railway line separating agricultural land.

4.3 The application site comprises a triangular piece of land measuring 0.3 hectares in area, with mature trees and a drain along the southern boundary and a mature hedgerow along the northern boundary. The site currently has a B8 Use and comprises various stores and portable buildings connected with its last use as a

scaffolding yard. The existing access is in the north east corner of the site, opposite No.12 Holt Fen.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Parish - No concern.

Ward Councillors - No Comments Received

Head Of Strategic Planning - No Comments Received

Local Highways Authority – No significant impact upon the public highway, subject to conditions relating to surfacing materials, a gates restriction, access construction, drainage, manoeuvring areas and submission of a Traffic Management Plan.

Trees Officer – No objections to the principle of development. A condition should be appended to any grant of planning permission requiring that the submitted Tree Protection Plan be enforced and a landscaping scheme should be provided.

Environmental Health – No objection, subject to conditions relating to noise mitigation and contamination.

Economic Development – Little demand for employment use on this site in the sense that the Enterprise East Cambs (EEC) has had several views and only one download for this site since 1st October 2015. However, the site hasn't yet been marketed on the EEC website for a full year as specified within the Local Plan with regards to retention of existing employment sites.

Waste Strategy (ECDC) - No Comments Received

Littleport and Downham Internal Drainage Board – No objections in principle. Would like to see proposed surface water drainage details. There can be no new discharge into the Board's District without prior consent. The Board's Main Drain runs along the eastern boundary of the site. No structure can be erected or works undertaken within 9 metres of the drain without the prior consent of the IDB.

Natural England - No comments to make on this application.

5.2 Neighbours – A site notice was displayed and seven neighbouring properties were notified of the application. An advert was also placed in the Cambridge Evening News. No representations have been received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1 Levels of housing, employment and retail growth

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
EMP 1	Retention of existing employment sites and allocations
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 The main issues in assessing this application are the principle of development including the loss of employment land, the impact upon landscape and settlement character, layout, residential amenity, ecology, flood risk and drainage and highway safety.

7.1.1 An outline planning application (planning reference: 14/01370/OUT) was previously refused for this site at Planning Committee for the reasons summarised below:

- 1. The location was outside of the development envelope.
- 2. Loss of employment land which had not been marketed for other employment uses.
- 3. The urbanising impact of 4no two storey dwellings and the cutting back of the hedgerow adjoining Holt Fen Common.
- 4. Impacts in relation to the character of the area, overlooking and noise due to the location and layout of dwellings.
- 5. Insufficient information provided to assess the impacts upon protected species.

7.2 Principle of development

7.2.1 The principle of development for this application comprises the suitability of the location for new residential development and the loss of employment land.

7.2.2 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies

relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

- 7.2.3 The benefits of this application are considered to be:- the provision of an additional four residential dwellings to the district's housing stock and the positive contribution to the local and wider economy in the short term through construction work.
- 7.2.4 The site is located outside of, but adjacent to, the established development framework for Little Thetford. The site is within close vicinity to existing residential dwellings and within walking distance to the facilities and services on offer in the settlement. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site is therefore considered to be in a sustainable location.
- 7.2.5 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.
- 7.3 Loss of employment land
 - 7.3.1 The application site is currently vacant but was last in use as a scaffolding yard and comprises a B8 Use.
 - 7.3.2 Policy EMP1 of the Local Plan 2015 seeks to retain sites currently or last in employment use (including B8), whilst allowing some flexibility to take account of sites that may no longer be suitable or appropriate for employment use. For example, where the use of the site gives rise to unacceptable environmental / amenity problems that cannot be overcome, or is no longer viable.
 - 7.3.3 Where the continued viability of a site for B1, B2 or B8 use is in question, applicants will be required to demonstrate that the site has been actively marketed with a commercial agent and placed on the District Council's business website at a realistic price for a continuous period of at least 12 months.
 - 7.3.4 It is stated within the submitted Design, Access, Supporting and Heritage Statement that the site has been advertised on the Enterprise East Cambs (EEC) website since May 2015 and the particulars for the property have been mailed out to over 200 applicants on the agent's own register with no interest received to date.
 - 7.3.5 The Council's Business Development Manager has been consulted on the application and has confirmed that there is little demand for employment use on this site in the sense that the Enterprise East Cambs (EEC) website has had several views and only one download for this site since 1st October 2015. It has however been noted that the site hasn't yet been marketed on the EEC website for a full year.
 - 7.3.6 It is accepted that the site hasn't yet been marketed on the EEC website for 12 months as specified within the Local Plan with regards to retention of existing

employment sites. However, the application site has now been marketed on the District Council's business website for approximately 11 months with no interest received to date and Policy EMP1 gives some flexibility to take account of sites that are no longer viable for employment use.

- 7.3.7 On the basis that the application site has generated no interest in terms of being purchased for an employment use, despite being advertised on the EEC website for a period of approximately 11 months and being advertised to applicants on the agent's register, it is considered that the site is no longer viable for employment use and the loss of employment land would be outweighed by the community benefits in the form of an additional four residential dwellings to the district's housing stock and the positive contribution to the local and wider economy in the short term through construction work. The Design, Access, Supporting and Heritage Statement also states that the proposal includes generous outbuildings/garages that could be used as live work units helping those that run small businesses from home.

7.4 Impact upon landscape and settlement character

- 7.4.1 The application site is located on the south side of Holt Fen. The southern side of Holt Fen is characterised by Holt Fen Common which provides informal open space and adjoins agricultural land beyond; separated by a mature tree line. The application site as existing comprises a number of single storey buildings and structures and is bounded by mature tree lines and hedgerows. The existing site does not impact upon the undeveloped and verdant character of the southern side of Holt Fen as it is not visible unless directly adjacent to the access.

- 7.4.2 The previous application proposed to cut back the existing hedging along the northern boundary of the site adjacent to Holt Fen Common. However, the existing proposal would include the retention of the hedging which would provide significant screening to the four dwellings which are proposed and could be secured by condition.

- 7.4.3 It is therefore considered that the proposal would not create a significant urbanising impact to the undeveloped side of Holt Fen, nor would it create a significant detrimental impact upon the character and appearance of the area. It is therefore considered that the proposed development would accord with Policy ENV1 of the Local Plan 2015 which seeks to protect, conserve and where possible enhance landscape and settlement character.

7.5 Layout

- 7.5.1 Policy ENV2 of the Local Plan 2015 seeks to ensure that the location, layout, scale and form of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.
- 7.5.2 The current proposal includes a re-designed indicative layout to that which formed part of the previously refused planning application 14/01370/OUT.
- 7.5.3 The indicative plan submitted shows the dwellings to Plots 2, 3 and 4, which would be the most visible dwellings when viewed from the public highway, would front towards Holt Fen Common. This would be in keeping with the existing

dwelling situated on the north side of Holt Fen Common which predominantly front towards Holt Fen Common also. The indicative plan shows the dwelling to Plot 1 fronting towards the railway line to the east, however this dwelling would be sited towards the rear of the site and would be screened from view from many aspects of the public highway by the dwellings Plots 2, 3 and 4.

- 7.5.4 Although this application is for outline permission with all matters reserved, the submitted plans demonstrate that a suitable relationship could be achieved in terms of layout and design which would not create any significant overbearing, overshadowing or overlooking impacts between the plots. The indicative plan therefore demonstrates that four dwellings could be accommodated on the site without having a detrimental impact on the amenity of the occupiers of the dwellings.
- 7.5.5 The railway line adjacent to the application site does raise some concerns relating to noise which further constrains the layout of the site. However, noise issues can be overcome through layout of habitable rooms and through the use of mechanical ventilation.
- 7.5.6 A Noise Impact Assessment has been submitted with the application which assesses the proposal in relation to BS 8233: Guidance on sound insulation and noise reduction for buildings. BS 8233 provides guidance for the control of noise in and around buildings.
- 7.5.7 A 24 hour acoustic survey was carried out to assess the noise impact from the nearby railway line over the 10th and 11th February 2015. The Noise Impact Assessment states that noise levels taken during the daytime demonstrate that outside amenity areas will comply with the upper target limit within BS8233:2014 and internal target noise levels could be complied with by following the recommendations provided within BS8233:2014. It is considered that these recommendations could be specified by the use of a suitably worded planning condition and therefore planning permission should not be refused on this basis.
- 7.5.8 The Council's Environmental Health Technical Officer was consulted on the application and is in agreement that any concerns regarding noise can be conditioned. It has been recommended that a condition should be appended to any grant of planning permission requiring that mitigation measures to ensure all relevant noise control guidelines will be met shall be submitted to and agreed in writing with the LPA prior to construction work commencing on the site.
- 7.5.9 The indicative plans submitted demonstrate that access and parking to each plot could be adequately achieved and more than 50 square metres of outdoor amenity space could be provided within each plot, in accordance with advice in the Design Guide SPD.
- 7.6 Residential amenity
 - 7.6.1 The applicant has noted in the submitted Design, Access, Supporting and Heritage Statement that the existing use as a builders yard / scaffolding use could recommence at any time which would involve unrestricted heavy good vehicle

movements through the centre of the village. Therefore, re-use of the site for residential development would be beneficial to the amenity of the village.

- 7.6.2 It is agreed that the last use as a B8 scaffolding yard could recommence without a further planning permission. Furthermore, there are no planning conditions on the previous application to restrict the level of use. Although the size of the site provides some limits to its level of use which would result in being unlikely to be intensified beyond its historic level of use, it is accepted that a residential use of the site would likely create less of an impact upon nearby residential amenity than other potential uses of the site. It is therefore considered that, subject to layout and design, the proposal would not give rise to any significant issues in relation to residential amenity and a scheme which accords with Policy ENV2 of the Local Plan could be achieved. A condition could also be appended to any grant of planning permission which removes permitted development rights for the creation of further windows or openings.

7.7 Ecology

- 7.7.1 Policy ENV7 of the Local Plan 2015 require an ecological report to be submitted where it is suspected that there could be an impact on protected species that needs to be adequately mitigated for.
- 7.7.2 The proposed site is adjacent to the countryside with a drain adjacent to the southern boundary and a number of mature trees and hedging. The site also comprises various stores and portable buildings which have lain vacant for a long period of time. Given the characteristics of the site there is potential for the presence of protected species; especially the presence of bats using the site for foraging.
- 7.7.3 A Protected Species Survey has been submitted with the application. This confirms that a protected species scoping survey was carried out on 5th October 2015. The Protected Species Survey concludes that owls and bats were likely to be absent as there was no evidence of barn owls and no evidence of bats or bat roosting sites. The findings within the Protected Species Survey are accepted and a condition could be appended to any grant of planning permission requiring the development to take place outside of the bird nesting season. A condition could also be appended to any grant of planning permission requiring bird and bat boxes to be provided to enhance the local biodiversity.
- 7.7.4 The proposal includes the loss of a group of Willow trees which form a row adjacent to the south-west boundary of the site, whilst all other trees on the site are to be retained. An Arboricultural Implications Assessment and Tree Survey have been submitted with the application which classifies the trees to be removed as Category U.
- 7.7.5 The BS 5837:2012: Trees in relation to design, demolition and construction classify Category U trees as 'Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years'.

7.7.6 The Council's Tree Officer has been consulted on the application and has no objections to the removal of the Category U trees within the site. A condition could be appended to any grant of planning permission requiring that tree protection measures are implemented prior to, and during construction, to protect those trees to be retained. Landscaping details will be covered by the subsequent reserved matters application.

7.7.7 For the reasons outlined above, it is considered that a scheme could be achieved within the site which accords with Policy ENV7 of the Local Plan in respect of ecology and trees.

Flood risk and drainage

7.7.8 The application site is located within Flood Zone 1 and does not require a Flood Risk Assessment. However, all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site.

7.7.9 The Internal Drainage Board have been consulted on the application and commented that they have no in-principle objection but wish to see full details of the proposed surface water drainage system for the site. As this is an outline application and all matters are reserved, the details of the surface water drainage system can be dealt with through a condition attached to any outline planning permission. It is therefore considered that there is no in-principle objection with regards to flood risk and drainage and the development is in accordance with Policy ENV8 of the Local Plan.

7.8 Highway safety

7.8.1 It is proposed that the existing access would be retained and it would serve a new road into the site. The indicative layout submitted demonstrates that adequate parking and turning can be achieved for each plot. Cambridgeshire County Council Highways have been consulted on the application and have raised no objection, subject to conditions being appended to any grant of planning permission in relation to surfacing materials, a gates restriction, access construction, drainage, manoeuvring areas and submission of a Traffic Management Plan.

7.8.2 It is therefore considered that the proposed development will not have a detrimental impact on highway safety and would accord with Policy COM7 of the Local Plan 2015.

8 Planning Balance

8.1 On the basis that the application site has generated no interest in terms of being purchased for an employment use, despite being advertised on the EEC website for a period of approximately 11 months and being advertised to applicants on the agent's register, it is considered that the site is no longer viable for employment use and the loss of employment land would be outweighed by the community benefits in the form of an additional four residential dwellings to the district's housing stock and the positive contribution to the local and wider economy in the short term through construction work.

9 APPENDICES

9.1 Appendix 1 – Planning Conditions

9.2 Appendix 2 – Application reference 14/01370/OUT Officers Report

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
15/01476/OUT	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Planning Officer 01353 665555
14/01370/OUT		richard.fitzjohn@ea stcambs.cov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 15/01476/OUT Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
		30th November 2015
320/P/10	A	30th November 2015
320/P/11 PLOT1	A	30th November 2015
320/P/12 PLOT2	A	30th November 2015
320/P/13 PLOT3		30th November 2015
320/P/14 PLOT4	A	30th November 2015
320/P/15 STREET SCENE	A	30th November 2015
ARBORICULTURAL IMPACT ASSESSMENT		9th March 2016
OAS-16-022-TS01	Tree Survey	9th March 2016

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, access, landscaping layout and scale; (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details before any development takes place.

- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 No development shall take place until a scheme to dispose of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the dwellings.
- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV7 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. This shall be retained in perpetuity.
- 7 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015
- 8 No unbound material shall be used within the surface material of the driveway within 6 metres of the highway boundary of the site.

- 8 Reason: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with COM7 of the East Cambridgeshire Local Plan 2015.
- 9 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 10 With the first reserved matters, it shall be shown that an access of 5 metres provided for a minimum distance of 10 metres from the highway boundary can be achieved. This shall be retained free from obstruction.
- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 11 No demolition or construction works shall commence on site until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above within the dwellings.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers and to mitigate noise impacts from the nearby railway, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 Except as detailed on the approved plans, no trees shall be removed or felled, nor hedges removed, without the prior written approval of the Local Planning Authority
- 13 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 The tree and hedge protection measures as stated within the submitted Arboricultural Implications Assessment and Preliminary Method Statement dated March 2016, shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services

are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

- 14 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 The removal, reduction or cutting of trees and shrubs, including brambles and other vegetation and the dismantling of the existing buildings, shall be carried out between October and February (inclusive), outside of the nesting bird season, unless a thorough check of the affected areas is carried out by an ecologist and nesting birds are not found to be present.
- 15 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 16 No above ground works shall commence until a scheme for bird and bat boxes has been agreed in writing with the Local Planning Authority. Development shall commence in accordance with the agreed details.
- 16 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to construction work commencing on the site, mitigation measures to ensure all relevant noise control guidelines will be met shall be submitted to and agreed in writing with the LPA. All agreed mitigation measures shall be implemented and adhered to.
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

APPENDIX 2 - Application reference 14/01370/OUT Officers Report

MAIN CASE

Reference No: 14/01370/OUT

Proposal: Erection of four dwellings and associated works.

Site Address: Storage Land Opposite 12 Holt Fen Little Thetford
Cambridgeshire

Applicant: Mr & Mrs Fletcher

Case Officer: Richard West Planning Officer

Parish: Little Thetford

Ward: Stretham

Date Received: 12 December 2014 **Expiry Date:**
Report Number (issued by Democratic Services) [PXXX]

3.0 **RECOMMENDATION**

3.1 Members are requested to REFUSE the application for the following reasons:

6. The proposed dwelling, by reason of its location outside the development envelope of Little Thetford where development is strictly controlled having regard to the need to protect the countryside and the setting of towns and villages, and lack of exceptional circumstances, is considered to be contrary to policies CS1 of the Core Strategy 2009 and GROWTH2 of the Draft Local Plan Pre-submission version (as modified).
7. The redevelopment of the site would result in the loss of employment land which is contrary to policies EC1 of the Core Strategy 2009 and EMP1 of the Draft Local Plan Pre-submission version (as modified). It is considered that heavy goods vehicle movements associated with a B8 use, due to the limited size of the site and buildings, are unlikely to be at a level that would cause amenity issues in the village and therefore the proposed material benefits in the reduction of the vehicle movements resulting from the change of use to residential dwellings does not outweigh the contravention of policy.
8. The southern side of Holt Fen is characterised by Holt Fen Common which provides informal open space and adjoins agricultural land beyond; separated by a mature tree line. The existing site does not impact upon the undeveloped and verdant character of the southern side of Holt Fen as it is not visible unless directly adjacent to the access.

The introduction of 4no two storey dwellings and the cutting back of the hedgerow adjoining Holt Fen Common would have a significant urbanising impact on the undeveloped southern side of Holt Fen which is contrary to the character of the landscape and settlement. It is considered that the proposed development would be contrary to policies EN1 of the Core Strategy 2009 and ENV1 of the Draft Local Plan Pre-submission version (as modified).

9. Policies EN2 of the Core Strategy and ENV2 of the Draft Local Plan seek to ensure that the location, layout, scale and form of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.

Due to the irregular shape of the site the indicative plan shows the dwelling on plot 4 fronting Holt Fen Common and the dwellings on plots 1, 2 and 3 having their side gables fronting Holt Fen Common. When viewed from Holt Fen Common the massing and bulk of the dwellings will appear contrived and uncoordinated.

Plot 3 would have a significant overlooking impact on plots 2 and 4 with the front elevation of plot 3 located 8.4m from the rear boundary of plot 2 leading to significant overlooking from the first floor windows. Given the proximity of the rear elevation of plot 2 with plot 4 this would also lead to an unacceptable level of overlooking.

The railway line adjacent to the application site raises concerns relating to noise which further constrains the layout of the site. Noise issues can be overcome using mechanical ventilation however the most effective method of reducing the impact is through layout and minimising the number of habitable rooms facing the railway line. The indicative plan fails to demonstrate a layout that will provide the highest level of amenity for the occupiers of the dwellings.

For the above reasons, it is considered that the location and layout of the dwellings would result in a development comprising buildings that do not relate sympathetically to the surrounding area or each other and provide the highest level of amenity for the occupiers. It is recognised that the submitted plan is indicative however it fails to demonstrate that a suitable layout can be provided to accommodate the number of dwellings proposed and is considered contrary to policies EN2 of the Core Strategy 2009 and ENV2 of the Draft Local Plan Pre-submission version (as modified).

10. The proposed site is adjacent to the countryside, has a drain running along the southern boundary of the site, comprises many mature trees and is overgrown and lain vacant for approximately two years. Given the characteristics of the site there is potential for the presence of protected species; especially the presence of bats using the site for foraging. It is considered that insufficient information has been provided to assess the impact on protected species and therefore the proposed development does not meet the requirements of policies EN6 of the Core Strategy 2009 and ENV7 of the Draft Local Plan Pre-submission version (as modified).

4.0 SUMMARY OF APPLICATION

- 4.1 This application seeks outline planning permission for the erection of four dwellings and associated works. The application form indicates there will be 2no three bedroom open market dwellings and 2no four bedroom open market dwellings. All matters are to be reserved.
- 4.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

79/00730/OUT	ERECTION OF A DWELLING WITH YARD FOR STORAGE OF SCAFFOLDING AND LORRY	Approved	26.11.1979
80/00270/FUL	ERECTION OF A STORE AND SCAFFOLDING RACKS	Approved	21.08.1980
80/00652/OUT	ERECTION OF A DWELLING AND GARAGE	Refused	12.09.1980

4.0 THE SITE AND ITS ENVIRONMENT

- 4.4 The application site is located to the south east of Little Thetford adjacent to, but outside of, the development envelope.
- 4.5 The site is located on the south side of Holt Fen which comprises Holt Fen Common and agricultural land beyond the common; the agricultural land is separated from the common by a mature tree line. The northern side of Holt Fen is characterised by residential development. To the east of the application site is a railway line separating agricultural land.
- 4.6 The application site is triangular in shape with mature trees and a drain along the southern boundary and a mature hedgerow along the northern boundary. The site was last used as a scaffolding yard and comprises of stores, portable buildings and hardstanding. The existing access is in the north east corner of the site.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Waste Strategy (ECDC) – no objection subject to informatives

CCC Highways – no objection subject to informatives

Environment Agency – not necessary to consult; please see the standing advice

Natural England – The site is in close proximity to the Cam Washes Site of Special Scientific Interest. The proposed development will not impact the SSSI; no objection. Impacts on protected species have not been assessed.

Cambridgeshire Fire and Rescue – adequate provision should be made for fire hydrants and secured through a S106 agreement or planning condition. Access and facilities for the Fire Service should also be provided in accordance with Building Regulations.

Littleport and Downham Internal Drainage Board – no objections in-principle but the board wish to see full details of the surface water drainage system, there can be no new drainage into the Board's District without prior consent and no structure can be erected or works undertaken within 9m of the drain without the Board's prior consent.

Environmental Health – There is likely to be contamination and therefore conditions 1 and 4 are recommended. With regards to noise, there is mitigation that can be used to bring noise levels to acceptable standards however the most effective method is the layout of the dwellings adjacent to the track.

Cllr Bill Hunt – requests that the application be determined at committee

Little Thetford Parish Council – The council is unable to support the application as it is outside the development envelope. However, the council is unwilling to reject the application as use as a builder's/scaffolding yard could lead to increased heavy traffic through the village. It was thought that the application was more beneficial to the village than detrimental.

5.2 Neighbours – 4 neighbouring properties were notified and a site notice was posted on 07.01.2015 – no responses were received

8.0 The Planning Police Context

6.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS2	Housing
CS4	Employment
CS7	Infrastructure
H4	Affordable housing exceptions
EC1	Retention of employment sites
S4	Developer contribution
S6	Transport impact
EN1	Landscape and settlement character
EN2	Design

EN6	Biodiversity and geology
EN7	Flood risk
EN8	Pollution

6.2 East Cambridgeshire Draft Local Plan Pre-submission version (as modified)

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 5	Dwellings for rural workers
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact

6.3 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations

6.4 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

6.5 Planning Practice Guidance

9.0 PLANNING COMMENTS

- 9.1 The main issues in assessing this application are the principle of development and the impacts on landscape and settlement character, layout, amenity, ecology, flood risk and drainage and highway safety.

Principle of Development

- 9.2 The principle of development for this application comprises the suitability of the location for new residential development and the loss of employment land.

Location of new residential development

- 9.3 The application site is located to the south east of Little Thetford, outside the development envelope, as defined in both the Core Strategy and Draft Local Plan. Policies CS1 of the Core Strategy and GROWTH2 of the Local Plan strictly control development outside of development envelopes with some exceptions as listed in the policies. The proposed development does not meet any of the exceptions and therefore is contrary to policy.

- 9.4 The submitted design and access statement states that the Council cannot demonstrate a five year housing land supply and therefore the 'presumption in favour of sustainable development' should apply. The Council is considered to have a five year housing land supply and therefore the starting point for decision making is the Development Plan; currently this is the Core Strategy. The Draft Local Plan has been found sound by the Planning Inspectorate and is going to go before Full Council on 21.04.2015; members will be updated on the outcome at planning committee.

Loss of employment land

- 9.5 The last use for the application site was as a scaffolding yard. A scaffolding yard is considered to be a B8 Use. Policies EC1 of the Core Strategy and EMP1 of the Draft Local Plan seek to retain land or premises last used for employment purposes (including B8). Where a site is to be redeveloped for an alternative use based on viability the applicant is required to actively market the site with a commercial agent and advertise on the District Council's website for a continuous period of 12 months. It is noted in the submitted Design and Access Statement that a number of builders, roofing and storage companies have shown an interest in the site and this is without being advertised on the Council's website. It is not considered that the site is unviable and the main reason for redevelopment is the material benefits.
- 9.6 The applicant has noted in the submitted Design and Access Statement that the existing use as a builders yard/scaffolding use could recommence at any time which would involve unrestricted heavy good vehicle movements through the centre of the village. Therefore, re-use of the site for residential development would be beneficial to the amenity of the village and outweighs the contravention of policy.
- 9.7 It is agreed that the last use as a B8 scaffolding yard could recommence without a further planning permission. However, although there are no planning conditions on the previous application to restrict the level of use, the site is relatively small with limited hardstanding and buildings which would regulate the amount of activity to and from the site. Given the limited size of the site, it is unlikely that there would be a number of heavy goods vehicle movements that would be considered detrimental to the amenity of the village. Following discussions with CCC Highways, it is considered the main road through the village is not unsuitable for heavy goods vehicle movements. To intensify the use it is likely that additional buildings or hardstanding would be required which would be subject to a further planning permission through which the additional impact of the use can be assessed and regulated. It should be noted that a builder's storage yard has a B8 use however a builder's yard on which activities other than storage take place is considered to be Sui Generis and would require planning permission.
- 9.8 It is considered that the use of the site and vehicular trips associated with the site are not detrimental to the amenity of the village and therefore the material benefits associated with the redevelopment of the site to residential are not considered to outweigh the contravention of policy.

Landscape and settlement character

- 9.9 The application site is located on the south side of Holt Fen. The southern side of Holt Fen is characterised by Holt Fen Common which provides informal open space and adjoins agricultural land beyond; separated by a mature tree line. The application site as existing comprises a number of single storey buildings and structures and is bounded by mature tree lines and hedgerows. The existing site does not impact upon the undeveloped and verdant character of the southern side of Holt Fen as it is not visible unless directly adjacent to the access.
- 9.10 It is proposed to erect 4no two storey dwellings and for amenity purposes cut back the existing boundary hedge that adjoins Holt Fen Common. The introduction of such a development would have a significant urbanising impact on the undeveloped southern side of Holt Fen Common which is contrary to the visual appearance and character of the area. It is considered that the proposed development would be contrary to policies EN1 of the Core Strategy and ENV1 of the Draft Local Plan which seek to protect, conserve and where possible enhance landscape and settlement character.

Layout

- 9.11 Policies EN2 of the Core Strategy and ENV2 of the Draft Local Plan seek to ensure that the location, layout, scale and form of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right. Due to the irregular shape of the site the indicative plan shows the dwelling on plot 4 fronting Holt Fen Common and the dwellings on plots 1, 2 and 3 having their side gables fronting Holt Fen Common. When viewed from Holt Fen Common the massing and bulk of the dwellings will appear contrived and uncoordinated especially in a rural, edge of settlement location.
- 9.12 As indicated, plot 3 would have a significant overlooking impact on plots 2 and 4. The front elevation of plot 3 is located 8.4m from the rear boundary of plot 2 and there would be significant overlooking from the first floor windows. The rear elevation of plot 2 is located from a range of 1m to 10m from the boundary fence with plot 4 and the first floor windows would cause an overlooking impact. The indicative plan has failed to demonstrate that four dwellings could be accommodated on the site without having a detrimental impact on the amenity of the occupiers of the dwellings.
- 9.13 The railway line adjacent to the application site raises concerns relating to noise which further constrains the layout of the site. Noise issues can be overcome using mechanical ventilation however the most effective method of reducing the impact is through layout and minimising the number of habitable rooms facing the railway line. The indicative plan fails to demonstrate a layout that will provide the highest level of amenity for the occupiers of the dwellings.
- 9.14 The application site measures approximately 2,460 sq m. The application site includes an access to each dwelling but it is considered that the dwellings will have ample space to provide sufficient levels of car parking and amenity space in accordance with advice in the Council's Design Guide SPD.

- 9.15 It is considered that the location and layout of the dwellings has been dictated by the irregular shape of the site and an attempt to introduce too many dwellings and would result in a development comprising buildings that do not relate sympathetically to the surrounding area or each other. It is recognised that the submitted plan is indicative however it fails to demonstrate that a suitable layout can be provided for the number of dwellings proposed on the application site.

Amenity

- 9.16 Adjacent to the eastern boundary of the application site is a railway line. Due to the potential noise impact resulting from the railway line a Noise Impact Assessment (NIA) has been submitted. A 24 hour acoustic survey was carried out over the 10th and 11th of February. The report concluded that careful consideration should be given to the layout of the dwellings and appropriate mitigation measures should be adopted to protect residential amenity in habitable rooms facing the railway line to ensure compliance with BS 8233:2014. As the recommendations can be specified by use of a suitably worded condition; noise impact should not be considered a reason for refusal. Environmental Health (EH) was consulted on the NIA and commented that to bring noise levels to an acceptable standard the most effective method, as highlighted by Cambridge Acoustics, is the layout of the buildings adjacent to the track and then appropriate mitigation measures such as mechanical ventilation can be considered. A suitably worded condition can be attached to a planning permission requiring information to be submitted to show that noise and vibration guidelines will be met should be submitted. It is considered that the noise impact resulting from the proximity of the railway line would not justify a reason for refusal however an alternative layout would be favourable to provide the highest standard of living possible and minimal reliance on mechanical assistance.
- 9.17 EH was consulted on the application with regards to contamination of the site. EH commented that the applicant has identified there is likely to be contamination on the site and suitable conditions can be attached to overcome the issues if the application is to be approved.

Ecology

- 9.18 The proposed site is adjacent to the countryside, has a drain running along the southern boundary of the site, comprises many mature trees and is overgrown and lain vacant for approximately two years. Given the characteristics of the site there is potential for the presence of protected species; especially the presence of bats using the site for foraging. A Phase 1 Ecology report was not submitted with the application nor requested by the Local Planning Authority as the application was to be recommended for refusal. Policies EN6 of the Core Strategy and ENV7 of the Draft Local Plan require an ecological report to be submitted where it is suspected that there could be an impact on protected species that needs to be adequately mitigated for. It is considered that insufficient information has been provided to assess the impact on protected species and therefore the proposed development does not meet the requirements of policies EN6 of the Core Strategy and ENV7 of the Draft Local Plan or the requirements of Natural England's standing advice. If the planning committee are minded to approve the application then it should be deferred until an appropriate ecological report has been submitted.

Flood risk and drainage

- 9.19 The application site is located within flood zone 1 and does not require a Flood Risk Assessment. However, all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site. The Internal Drainage Board were consulted on the application and commented that they have no in-principle objection but wish to see full details of the proposed surface water drainage system for the site. As this is an outline application and all matters are reserved, the details of the surface water drainage system can be dealt with through a condition attached to any outline planning permission. It is considered that there is no in-principle objection with regards to flood risk and drainage and the development is in accordance with policies EN7 of the Core Strategy and ENV8 of the Local Plan.

Highway safety

- 9.20 The indicative layout and design and access statement show that dwellings will be accessed via a new access road leading from the existing access point that has unrestricted use. CCC Highways were consulted on the application and raised no objection to the use of the access for residential vehicular movements subject to conditions requiring a construction management plan, the access being constructed using a bound material within 5m of the highway and constructed so no private water from the site drains across or onto the highway. It is considered the proposed development will not have a detrimental impact on highway safety and is in accordance with policies S6 of the Core Strategy and COM7 of the Draft Local Plan.

Conclusion

- 9.21 The application site is located outside of the development envelope of Little Thetford where development is strictly controlled. The dwellings would not meet any of the rural exceptions and it is considered there is an in-principle objection in accordance with policies CS1 of the Core Strategy and GROWTH2 of the Draft Local Plan
- 9.22 The redevelopment of the site would result in the loss of employment land. It is not considered that the material benefits of the change of use would outweigh the contravention to policies EC1 of the Core Strategy and EMP1 of the Draft Local Plan.
- 9.23 The introduction of 4no dwellings on the southern side of Holt Fen Common would have an urbanising impact that would be contrary to the undeveloped and verdant character of the area which is contrary to policies EN1 of the Core Strategy and ENV1 of the Draft Local Plan.
- 9.24 Although indicative, the submitted plan has failed to demonstrate a suitable layout can be achieved. The layout would result in overlooking issues between the dwellings, would appear contrived and uncoordinated when viewed from Holt Fen and does not provide the most suitable layout to provide a high level of amenity without reliance on mechanical ventilation. The development is considered contrary to policies EN2 of the Core Strategy and ENV2 of the Draft Local Plan.

- 9.25 Due to the characteristics of the site it is considered there is potential for the presence of protected species. No ecological report has been submitted with the application and therefore it is considered contrary to policies EN6 of the Core Strategy and ENV7 of the Draft Local Plan.
- 9.26 The impact of the proposed development on flood risk and drainage and highway safety has been assessed and it is considered acceptable. However, for the above reasons it considered that this application should be refused.