

MAIN CASE

Proposal: Erection of four detached dwellings together with garages and creation of new vehicular access from The Oaks

Location: Land To North Of 23 The Oaks Soham Cambridgeshire

Applicant: Cloughmore Homes Ltd

Agent: Cheffins

Reference No: 14/00264/FUL

Case Officer: Sue Wheatley

Parish: Soham
 Ward: Soham South
 Ward Councillor/s: Councillor Tony Parramint
 Councillor Colin Fordham
 Councillor Hamish Ross

Date Received: 10 March 2014

Expiry Date:

[P59]

1.0 **EXECUTIVE SUMMARY**

- 1.1 This is a full application for four detached dwellings together with garages and vehicular access from The Oaks.
- 1.2 A previous scheme was granted permission on appeal and this current proposal differs from this one in the following respects:
- Bungalow
- Longer, higher, inclusion of dormer windows and rooflights
 - No longer an affordable dwelling
- Houses
- Marginally higher and also with a larger footprint
 - Garage to plot 3 positioned the opposite side of the dwelling
- 1.3 Whilst significant concerns have been raised by neighbours including issues related to the non adoption of The Oaks and drainage matters these issues were considered by the Inspector who judged that they did not justify refusal of the application.

1.4 Whilst the dwellings are larger the impact upon the setting of The Hall, which is a listed building and the impact upon the character and appearance of the Conservation Area would be acceptable. The impact upon the existing trees is likely to be similar to the impact under the appeal proposal. No issues in relation to residential amenity arise nor are there any other material planning considerations which would justify refusal of the application. It is therefore recommended that the application be approved.

1.3 **A Site visit has been arranged for 12:20, prior to the Planning Committee meeting.**

2.0 THE APPLICATION

2.1 The applicant seeks permission for the erection of four dwellings, comprising one detached dormer bungalow with garage and three detached four bedroom dwellings with garages. The bungalow would be 6.3 metres high and includes dormer windows to the front elevation and rooflights to the rear. The dwellings would be of a traditional design with gabled, pitched roofs, incorporating chimney stacks and constructed with buff facing bricks and natural slate. The proposed two storey dwellings would have a ridge height of 8.8 metres. Consent is also sought for vehicular access onto The Oaks, a cul-de-sac comprising of 23 dwellings.

3.0 THE APPLICANT'S CASE

3.1 The Applicant's case is set out in the Design and Access Statement, which can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcamb.gov.uk/online-applications/>. Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, on the application file.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located within the Conservation Area and Development Envelope of Soham and includes an area of land approx 0.43 hectares in size. The land locked site is currently overgrown and located at the rear of The Hall, a Grade II Listed Building. To the north and west of the site are school grounds. To the south of the site is a residential development, The Oaks. The closest dwelling is No. 23 The Oaks, approx 1.5m from the site boundary. The application site also includes the gravelled driveway, which provides access to No.10, 12, 23 and 21 The Oaks. This is a narrow private driveway, which leads onto The Oaks itself, a metalled road, which is at present un-adopted. This in turn leads onto the Public Highway, at the junction with The Butts.

5.0 PLANNING HISTORY

5.1	11/01001/FUL	Erection of four dwellings with garages and a car port and the creation of a new	Refused, Permission granted on appeal	02.02.2012
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vehicular access
from The Oaks

13/00977/VAR	Removal of condition 14 (Affordable Housing) of planning permission ref 11/01001/FUL to enable a commuted sum to be provided for affordable housing instead of on-site provision	Approved	07.03.2014
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6.0 **REPLIES TO CONSULTATIONS**

- 6.1 Soham Parish Council – No objection raised originally. However they advised the following when they were re-consulted in relation to the amended tree report:

“There is considerable concern about treatment of trees, including three of those to be removed and also the root disturbance of others, all in a Conservation Area. Concerned also about the possible safety implications, being on the boundary of the St Andrews Primary School and next to a well used footpath, Committee were also concerned about the effects on the associated wildlife. The trees are also very important to the people of Soham, as they form part of the original arboretum attached to the Moat House. Finally, Committee wishes to see a report from the ECDC Tree Officer, before commenting further on the application.

- 6.2 Local Highway Authority – No objection to the principle of the proposal, however the shared surface access, is, as shown, too narrow for adoption must be widened to provide a minimum carriageway width of 5.0 metres, with a 0.5 metre maintenance strip entirely surrounding the adoptable area. The maintenance strip will also require widening locally to provide sufficient space for lighting columns. The proposed permeable block paving would be unacceptable for adoption. Currently The Oaks is a private street requiring several issues to be resolved before the Highway Authority would consider adopting it.

- 6.3 Environmental Health – Recommend that a condition be imposed to control hours of construction and suggest that the proposed gravel be replaced with hardsurfacing. Initially recommended the imposition of a contamination condition however when reminded that an investigation was carried out under the previous application (ref 11/01001/FUL) they withdrew this requirement.

- 6.4 Police Architectural Liaison – No issues

- 6.5 Conservation Officer – Made the following comments in relation to the original plans:

“The proposed changes to Plot 1 create an overly large and visually dominant feature that directly competes with the other three properties on the site. The front elevation is overly cluttered and makes the property appear overly long with the garage attached to the east.

The introduction of the two bay windows on the gable ends does little to enhance the appearance of the proposed dwelling and whilst the property will not be highly visible within the Conservation Area, this does not excuse poor design nor make it acceptable. The proposed design of Plot 1 should be simplified considerably and the garage detached from a conservation viewpoint.”

The application was amended to address these concerns and the Conservation Officer advised that the amended plans were an improvement.

6.6 Tree Officer – Expressed concern that the submitted arboricultural report was out of date because it had assessed the previous scheme. A revised report was requested and the following comments were made in relation to this:

- “New replacement tree planting to compensate for the loss of the 3 trees is important and will require a planning condition for a new tree planting scheme if the application is approved.
- The report recommends two options for Poplar T8: the overall all crown reduction by 30% of Poplar T8 or removal. I am concerned if the tree is removed, there is no provision for new planting and the new dwelling on Plot 1 will be prominently seen from the property at the rear.
- The arboricultural report includes suitable solutions and method statements for construction within the root protection area of remaining trees, including proposed no dig paving and piling within the root protection areas.

Please include the condition that the arboricultural report recommendations are implemented. It will be crucial for some arboricultural supervision to ensure the recommendations are carried out and procedures followed during construction work on the site.”

The Tree Officer has also considered the objections received from the school and the adjacent neighbour and has advised:

The arboricultural report does consider the likely impact on the trees and includes the trees identified on the plans on the boundary, within the grounds of the adjacent primary school and Village College. The report identifies the trees where development will take place within their tree root protection areas (TRPA's) and recommends ways of construction of the new buildings and surfaces, including foundations that reduce the amount of disturbance in the TRPA's. Although any construction in TRPA's may disturb/damage tree roots, and no-one can say that no root damage will occur, the consultant is basing their recommendations on professional expertise of assessing the likely risk to these trees and concludes they should sustain the proposed development if their recommendations are adhered to.

I have calculated the TRPA's for trees T8, T10-T16 from the stem diameter measurements in the arboricultural report and checked the TRPA radius measurements shown on the amended plan dated February 2104 drawing no. 03. I found that the TRPA's for T10, T11, T12, T13 and T16 were larger than shown on this plan. This means that the TRPA's for these trees extends further out, and new dwellings on plots 1, 2 & 3 will be constructed in a larger area of the TRPA's than shown. The new dwellings on plots 1, 2 & 3 are also now shown

closer to the site boundary and the row of trees T10-T16 by approximately 1 metre. There is also a new garage between plots 2 & 3 that is shown at approximately 5 – 5.4 metres from this boundary too.

I would therefore suggest it prudent to consider carefully excavating some trial pits at selected locations along this boundary, to assess the percentage of tree roots present and sample the size of any trees roots within the TRPA's and the construction areas for plots 1-3 and the new garage between plots 2 & 3. This would give a better indication of the extent of root disturbance and assessment of impact on the boundary trees, especially the Oaks.

The arboricultural report proposes the pruning of the overhanging branches from Oak trees T10, T12 and T13 by 3-4 metres, to facilitate the development. Such requests for crown lifting and reducing overhang are common in the many tree work applications we receive for permission to carry out such work to trees in Conservation Areas and with TPO's. Given the measured dimensions in the report for these 3 Oak trees, each 22m tall with crown spreads of 10 metres on the side of the canopies overhanging the site, the pruning proposed is reasonable and we have permitted such work in many tree work applications to reduce overhang over roads, drives, gardens and properties without destabilising the remaining tree canopies.

I still however have reservations about the problem of overshadowing of the new dwellings plots 1-3 from the mature trees on this boundary, even with the proposed pruning.

My previous comments regarding the proposed tree removal of T1 Silver Birch, T2 Sycamore and T3 Alder are unchanged. T1 Silver Birch is the best of the 3 trees and if lost for development as proposed, compensatory tree planting on the site is requested. I note that the arboricultural report considers two options for T8 Poplar, to either remove or reduce, to retain the tree in a safer condition. The planning application plans do not indicate that Poplar T8 will be removed for development. I previously comments on the little screening on this boundary of Plot 1 with the adjacent property, The Hall, Sand Street, and would therefore prefer to retain the Poplar tree, with the crown reduction suggested.

6.7 Waste – Would like confirmation that that if the access is not adopted ECDC would be indemnified against claims to allow the waste freighters to access the new properties for refuse and recycling. If not it would be the responsibility of the owners to bring black sacks and wheeled bins to the adoptable highway. A financial contribution towards the costs of bins is also requested (£25 per bin).

6.8 Neighbours – Objections have been received from 1, 4, 6, 8, 11, 12, 23 The Oaks and The Hall, Sand Street, 24 The Butts:

Highway Issues

- other development on The Butts and Fordham Road has made the situation worse with traffic using The Butts as a short cut. There have been near misses at the roundabout.
- The splay issue remains
- Still parking for school on The Oaks/The Butts

- Double parking is becoming the norm
- Many properties in The Butts do not have off road parking facilities
- Near misses are becoming commonplace
- No traffic management signage on The Butts
- No road adoption as promised, roads and pavements will deteriorate further
- Gravel access too narrow
- Parking and turning
- Affect on right of access and rights of way
- Affect on condition of The Oaks, replacement of lighting as it is not adopted

Flooding/drainage

- Surface and foul water drainage issues
- Still an issue when rain is heavy
- Had issues with items blocking drains in past
- Soakaways still not rectified

Street scene and Conservation Area

- Detrimental impact
- Form and character issues
- Impact on views into and out of the Conservation Area.
- Dwellings larger than previously permitted and not compatible with the existing dwellings in The Oaks

Setting of Listed Building

- Even though there has been a change of ownership the land is still within the curtilage of The Hall, which is a listed building
- The dormer bungalow is nearer, longer and higher than the bungalow previously approved.
- The garden is an integral part of the setting
- Size of garage – impact upon vegetable and herb garden
- Burden of proof on developer to show that the development would be beneficial because the development is within the curtilage of a listed building.
- Loss of countryside setting

Trees and landscape impact

- Impact on trees and landscape
- Misleading tree report
- Concerned particularly about impact upon T8 and the impact that the removal of this tree will have on the setting of The Hall
- Loss of boundary screening to The Hall
- Insufficient information available to the Council to make a decision. An arboricultural impact assessment in accordance with BS 5937-2012 is required.

- The updated tree report is deceptive- the root protection areas of the mature trees are now marked as being smaller than in the previous report. The crown spread of the trees will now be larger.
- Without full and proper information the Council cannot fulfil its duty to protect and preserve the Conservation Area.
- There will be piling within the root protection area.
- 3-4 metres of overhanging branches are to be pruned
- The orchard is more than 5 years old
- The Tree Report refers to BS5837 2010 yet the relevant guidance is BS 5837-2012
- There should be an independent survey of the trees
- Request that the Tree Officer is consulted again
- The school will have the ongoing expense of management of the trees
- There is no overriding justification for construction within the root protection areas of the trees
- The developer has not shown that the trees will remain viable
- The gardens will be shaded which will put pressure on the trees

Residential Amenity

- Overbearing
- Loss of privacy
- Noise sensitive

Other

- Biodiversity and wildlife impact
- Pollution issues
- Affects public views
- Contrary to policy
- Why are they allowed to change the plans that were agreed at appeal
- Inaccuracies in the Cheffins report – photographs do not appear to be up to date
- Originally this was proposed to be on the hardstanding outside my house. This should be outside the dwellings concerned.
- Affordable housing not included

6.9 St Andrews Primary School have expressed concern about the impact that the development would have on the boundary oak trees (trees T10 to T16) which are within the grounds of the school.

- there is a woodland path, on the school side, used by the children under these trees.
- no work must be done to these trees which would de-stabilise them.
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- any chance that any one of these trees or its branches may fall and injure or kill children or others using the path would be unacceptable.
- lopping one side of the trees would be likely to unbalance them.
- The proposed piling work for the foundations would damage the trees.
- The normal right an owner has to lop overhanging branches does not apply in a Conservation Area.

- The tree officers comments acknowledge that the trees would shade the dwellings and there will be more applications to lop branches
- School resources are scarce and it is not acceptable to approve tree works which will result in the school having to commission additional safety reports and tree works.
- If the works are approved the school would have to carry out more frequent inspections

They suggest that the application should only be approved if this Council's Tree Officer can give a cast iron guarantee that the work proposed:

- Will not cause any risk to the stability or longevity of the trees
- Will not subsequently risk injury to those using the school paths
- Will not result in additional cost to the school
- Will be monitored throughout by an independent third party for compliance with the permission and British Standard.

The School advises that if the application is approved and the school incurs costs then it would expect this District to pay its costs

They further advise that they did not see the Tree Report that was produced previously and that therefore this should have no bearing on the case.

7.0 THE PLANNING POLICY CONTEXT

7.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS2	Housing
CS7	Infrastructure
H3	Affordable housing
S4	Developer contribution
S7	Parking provision
EN2	Design
EN5	Historic conservation
EN6	Biodiversity and geology

7.2 East Cambridgeshire Local Plan Pre-submission version (February 2013) (as amended)

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
HOU 3	Affordable housing provision
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

ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

7.3 Supplementary Planning Documents – Design Guide

8.0 **CENTRAL GOVERNMENT POLICY**

8.1 National Planning Policy Framework 2012

9.0 **PLANNING COMMENTS**

9.1 The starting point for the consideration of this application needs to be the appeal decision in relation to the previous application (11/01001/FUL) and a copy of the decision notice is attached for Members information. This application was refused for the following reasons:

“The proposal would lead to an intensification of use of an access to The Butts where visibility to the north is inadequate. As far as can be determined from the submitted details, the applicant does not control sufficient land to provide adequate visibility to the north of the junction of The Oaks with The Butts. The intensification of use of this junction would therefore be detrimental to highway safety”

“Although the applicant has indicated tree positions, a tree survey, in accordance with BS5387:2005 Trees in relation to construction – recommendations has not been submitted with the application, to enable an assessment of above and below ground constraints, to ensure that trees worthy of retention would not be adversely affected by the proposal. For these reasons the proposal would be contrary to Policies EN1, EN2 and EN6 of the East Cambridgeshire Core Strategy 2009, which seek to protect and minimise harm to trees”

Following the submission of a Tree Survey the second reason for refusal was not pursued as it was judged that this survey demonstrated that there would be an acceptable relationship with the trees.

This current application is very similar to the appeal proposal in that it is for 4 dwellings. However there are the following differences:

Bungalow

- no longer proposed as an affordable dwelling
- Height increased from 4.6 metres to 6.3 metres
- Dormer windows included in front elevation
- Rooflights included in rear elevation
- length of bungalow increased from 11.2 metres to 18.3 metres

Houses

- Height increased from 8.6 metres to 8.8 metres
- Length increased from 11.3 metres to 14 metres

- Maximum depth (into rear projection) increased from 12.5 metres to 13 metres
- Garage to plot 3 positioned the opposite side of the dwelling

9.2 Highway Impact

9.3 The Inspector who conducted the appeal in relation to the previous application (ref 11/01001/FUL noted the restricted visibility to the left in paragraph 9 of his decision letter. However in granting permission he was influenced by the following factors:

- No evidence that the existing open aspect would change (ie the dwarf wall to number 22 The Butts)
- It is an existing junction serving 18 dwellings and four dwellings would only increase the number by 22%, with around an extra 25 two-way trips over a typical 12 hour daytime period. Any change to the existing visibility would affect existing movements so that the proposal would not create a new hazard.
- The visibility to the left, even including the garden area does not fall substantially below the recommended distance.
- Manual for Streets 2 suggests that, unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem in terms of accidents

The Inspector, in coming to this conclusion, had regard to the traffic generated by the local school. The width of the access was the same as that proposed under this current application.

9.4 This appeal decision was less than 2 years ago and therefore it is most unlikely that traffic could have grown in Soham to justify a different decision being taken. The Local Highway Authority does not suggest that the development would have highway safety implications just that the access and also The Oaks are not suitable for adoption.

9.5 Parking provision within the scheme meets the Council's standards as double garages with parking to the front is proposed.

9.6 Visual impact, impact on the Conservation Area and listed building

9.7 The site is located within Soham Conservation Area and as such any proposal should take care to preserve or enhance the character or appearance of the Conservation Area and not have a detrimental impact on its wider setting.

9.8 The site is located to the rear of The Hall, a Grade II Listed Building. The current owner of The Hall maintains that the site thus falls within the curtilage of The Hall. Historic map evidence shows that 'The Paddock' has been historically associated with previous owners of The Hall, but has always remained a separate piece of land. It has never been included within the garden area of The Hall and therefore the historical association has limited significance, as the field would not be regarded as curtilage land.

9.9 Whilst the dwellings have been increased in size since the previous decision they sit well within the boundaries of the plot of land and the site is not highly visible in the public domain as it is screened by a variety of vegetation and boundary treatments,

which assists in limiting the visual impact of the development on the area and Conservation Area.

9.10 The closest property to the Listed Building would be a dormer bungalow that would sit 89 metres from the rear of The Hall; therefore any impact on the setting of the Listed Building would be minimal due to the distances involved. The original garden area of The Hall, including the kitchen garden would not be altered, and this is by far the most historically significant area relating to The Hall.

9.11 The detailed design of the houses is similar to that approved previously. It reflects the Georgian style of architecture with balanced, well proportioned facades. This is an architectural style that is common along the nearby Fordham Road. The detailed design of the bungalow has been simplified during the consideration of the application. The use of a dormer bungalow helps minimise the impact on The Hall.

9.12 Trees

9.13 The increase in the size of the dwellings would bring them closer to the existing trees within the site by around one metre. There is also a new garage proposed between plots 2 and 3. Unfortunately the application, as originally submitted, was not accompanied by an updated tree survey based upon the proposed layout so one had to be requested. This proposes the removal of 3 trees (T1, T2 and T3) and highlights the need to work in the root protection area of a number of trees. This was the case under the previous application, which was accepted by the inspector. The Council's Tree Officer has advised that new replacement tree planting to compensate for the loss of the 3 trees is important and will require a planning condition for a new tree planting scheme. She also highlights the need to condition that all the recommendations in the arboricultural report are conditioned as it recommends suitable solutions for construction within the root protection area.

9.14 The occupier of The Hall has specifically highlighted a tree on the boundary between the application site and this property.(T8). This is a poplar tree and the report recommends two options; crown reduction by 30% or removal. The Council's Tree Officer has expressed concern that if this tree is removed there is no provision for new planting and the new dwelling on Plot 1 would be prominently seen from the property at the rear. Whilst the Inspector in his decision on the previous scheme did not address this issue (the proposal in relation to T8 was the same) as the proposed dormer bungalow is significantly larger than the dwelling previously approved it would be prudent to ask that this tree be crown reduced rather than felled. A condition is therefore recommended to seek this as the first option.

9.15 The occupier of The Hall has also suggested that the submitted Tree Report is inadequate. It appears that reference to a 2010 British Standard is a typing mistake as, the Council's Tree Officer is satisfied that the report has been prepared in accordance with BS 5937-2012. She is however correct that the root protection area have not been marked correctly on the submitted plans.

9.16 The adjoining school has also expressed concern about the impact that the proposal would have on trees within the grounds of the school (T10 to16). The applicant's Tree

Surgeon has submitted a detailed response in relation to this objection. This indicates that:

- There is no guarantee for 100% safety of any tree, due to nature; however recognised practices, qualifications training and experience can be used to minimise associated risks.
- The specification for piling is included within the British Standard. Unlike conventional strip foundations no excavation is required between piles, which greatly reduces the damage to trees. The method statement in the report requires the hand digging of the piles within the root protection area for the first 1metre. This manual excavation can minimise damage to structural roots and it can also allow for a pile to be readjusted. Further protection is provided to the root system by ventilation under the beams and no water loss due to covering of exposed roots with damp hessian. Piling rigs are used to minimise compaction.
- The overhanging limbs are all over extended branches. English Oak are prone to this. Such overextended limbs can fall dramatically. Such risk is therefore usually managed by the reduction on end weight on overextending or subsiding lateral limbs. This will not unbalance the trees as those on the school side are already shorter and less dense due to suppression from surrounding trees.
- As the site is within the Conservation Area the Council future residents would need to apply to the Council for any works. Due diligence would be exercised. There is nothing which requires tree owners to appease neighbours. The Tree Report concludes that there will be a reduction of daylight but a minimal loss of sunlight as the woodland belt is situated to the north and north west of the dwellings.
- Owners of trees have a duty of care and they should be inspected regularly; every 3 years in areas of high use and every 2 years at schools. The works carried out to the Oaks should not increase the frequency of inspection. In addition, the work below ground would identify ant defects not visible from above ground.
- A qualified arboriculturalist will regularly monitor the site during the initial phases when pre-development tree and root work is carried out.

9.17 The Council's Tree Officer has considered both the detailed letter from the owner of The Hall and also the letter from the Headmaster of the school. She has calculated the root protection areas herself from the information provided and agrees that they have been incorrectly drawn. She suggests that it would be prudent for the developer to carefully excavate some trial pits at selected locations along the boundary to assess the percentage of tree roots present and sample the size of the roots within the root protection area and construction areas for plots 1-3 and the new garage between plots 2 and 3. As permission has been granted on appeal for a development of a similar nature, albeit that under this current scheme the development is around 1 metre closer to the trees and there is also a new garage proposed in proximity to the trees, the Council could be seen to be acting unreasonably if it sought this information at this stage. A condition is therefore recommended to request that this work be carried out prior to the commencement of development. The developer has a responsibility to ensure that the development does not affect the trees.

Imposing a condition would allow an amendment to the scheme if the trial work showed that the dwellings needed to be repositioned.

9.18 Residential Amenity

9.19 The Inspector, in relation to the previous proposal, concluded that there would be no impact upon residential amenity. The revisions to the dwellings still ensure that the proposed dwellings would not have an overbearing impact, nor would they result in any direct overlooking. Environmental Health express concern about the use of gravel but the Design and Access Statement indicates that the shared and private drives are to be block paved.

9.20 The occupier of The Hall expresses concern about the skylights in the rear elevation of the dormer window. The application site boundary however is more than 80 metres from The Hall. The two rooflights in the rear elevation of the proposed bungalow are to a bathroom and an en-suite. There would not be an unacceptable level of overlooking.

9.21 Whilst the retention of the Poplar tree (T8) is desirable it is not possible to insist upon its retention on the grounds of residential amenity due to the distance between the proposed dormer window and The Hall.

9.22 Flooding and Drainage

9.23 The site is within floodzone one. The Environment Agency's standing advice indicates that the main issue which needs to be considered is surface water drainage with the use of Sustainable Drainage Systems (Suds) being recommended. The Inspector, in relation to the previous scheme, did not impose a surface water drainage condition and therefore it would be difficult to justify the imposition of one on this application. However, the detailed drainage measures for the site will be dealt with under building regulations.

9.24 Affordable Housing:

9.25 The Inspector, in relation to the previous scheme (ref 11/01001/FUL) imposed a condition requiring the on site provision of affordable housing (one dwelling). Subsequent to this, an application to vary this condition (ref 13/00977/VAR) to require the provision of a commuted sum for off-site provision instead was granted as the applicant was not able to find a registered social landlord that would take over the management of the dwelling.

9.26 Since these two earlier applications were granted work on the draft Local Plan has progressed further and more weight should be given to it. This raised the threshold for the provision of affordable housing from 3 to 5 dwellings. The current proposal does not therefore generate a requirement for affordable housing.

9.27 Other matters

9.28 The Inspector, in relation to the previous scheme (ref 11/01001/FUL), imposed a condition requiring archaeological work. This condition has been discharged and thus there is no need for the imposition of an archaeological condition on this application.

9.29 There are no rights of way affected by the application. If a private right of access is affected then this is a civil matter.

9.30 The application is accompanied by an ecological report which indicates that the site does not provide appropriate habitat or features for protected species and the Inspector, in relation to the previous scheme (ref 11/01001/FUL) accepted this evidence. This was updated during the course of consideration of the application as one of the neighbours advised that owls had been heard on the site since the appeal decision. This update concluded that any impact upon lows was unlikely.

9.31 A contamination condition was imposed, by the Inspector, on the previous scheme (ref 11/01001/FUL). This has been discharged and Environmental Health have advised that the imposition of a contamination condition is unnecessary.

10.0 RECOMMENDATION

RECOMMENDATION: That permission be GRANTED subject to the following conditions.

1 The development hereby permitted shall be carried out in accordance with the following approved plans; location plan; Layout ref .03; Plots 2,3,4 ref .02A;, Plot 1 .01A.

1 To clarify the terms of the permission

2 The development hereby permitted shall be commenced within 3 years of the date of this permission.

2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

3 Reason: To safeguard the character and appearance of the Conservation Area, in accordance with policies EN2 and EN5 of the East Cambridgeshire Core Strategy 2009.

4 No development shall take place until detailed drawings at a scale of 1:20 of the proposed windows and external doors including garage doors have been submitted to and approved in writing by the local planning authority. The window details shall show sections, opening arrangements and glazing bar patterns. Details of the proposed materials and colour finishes shall be included. All works shall be carried out in accordance with the approved details.

4 Reason: To safeguard the character and appearance of the Conservation Area, in accordance with policies EN2 and EN5 of the East Cambridgeshire Core Strategy 2009.

5 The development hereby permitted shall be carried out in strict accordance with the method and extent of tree protection measures detailed in the Tree Survey produced by Acacia Tree Surgery Ltd dated 11 June 2014. These tree protection measures shall be retained for the duration of the works. Within the area so fenced off, the existing ground level shall neither be raised or lowered (except as may be approved by the local planning authority as part of this development) and no

materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored. If any trenches for services are required in the fenced off areas they shall be excavated and back filled by hand and any tree roots encountered with a diameter of 5 cm or more shall be left unsevered.

5 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies EN1 and EN2 of the East Cambridgeshire Core Strategy 2009.

6 No development shall take place until full details of soft landscape works including hedging have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans; a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and an implementation programme. The details shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details.

6 Reason: To safeguard the character and appearance of the Conservation Area, in accordance with policies EN2 and EN5 of the East Cambridgeshire Core Strategy 2009.

7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the buildings whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

7 Reason: To safeguard the character and appearance of the Conservation Area, in accordance with policies EN2 and EN5 of the East Cambridgeshire Core Strategy 2009.

8 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority . Development shall be carried out in accordance with the approved details

8 Reason: To safeguard the character and appearance of the Conservation Area, in accordance with policies EN2 and EN5 of the East Cambridgeshire Core Strategy 2009.

9 No dwelling shall be occupied until space has been laid out within the site for 2 cars to be parked in association with that dwelling.

9 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.

10 No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

10 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.

11 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;

- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from construction works.

11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling.

12 Whilst this condition was not imposed on the previous permission for the site the proposed dwellings are larger and thus positioned closer to the existing trees. This condition will enable the Council to control the development of the site and ensure it it does not harm the character and appearance of the Conservation Area in accordance with Policies EN2 and EN5 of the East Cambridgeshire Core Strategy 2009.

13 Prior to the commencement of development, a scheme for the excavation of trial pits at selected locations along the north eastern boundary to assess the percentage of roots present and their size shall be submitted to and agreed with the Local Planning Authority in writing. The agreed work and the results of this work shall be submitted in writing to the Local Planning Authority prior to the commencement of development.

13 Reason: To provide additional information to support the conclusions of the arboricultural assessment and to inform the detailed foundation design work for the site to ensure the protection of the trees to safeguard the character and appearance of the area in accordance with policies EN1 and EN2 in the East Cambridgeshire Core Strategy 2009.

11.0 **APPENDICES**

None

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
	Sue Wheatley Room No. 011 The Grange Ely	Sue Wheatley Principal Development Management Officer 01353 665555 sue.wheatley@eastcambs.gov.uk