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**MAIN CASE**

**Reference No:** 18/01204/OUT

**Proposal:** Erection of up to three dwellings and garages, creation of new accesses, and associated works

**Site Address:** Church Farm The Hamlet Chettisham Ely Cambridgeshire CB6 1SB

**Applicant:** Mr & Mrs Jeremy and Katharine Love

**Case Officer:** Toni Hylton, Planning Officer

**Parish:** Ely

**Ward:** Ely North  
Ward Councillor/s: Councillor Mike Rouse  
Councillor Elaine Griffin-Singh  
Councillor Andy Pearson

**Date Received:** 31 August 2018      **Expiry Date:** 16<sup>th</sup> January

[T170]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application with the conditions suggested below:

1. Plans
2. Time Limit- Reserved Matters
3. Time Limit
4. Site Characterisation
5. Reporting of Unknown Contamination
6. Details of Drainage
7. Boundary Treatments
8. Soft Landscaping
9. Hard Landscaping
10. Construction Times
11. Biodiversity measures
12. Access Width

2.0 **SUMMARY OF APPLICATION**

2.1 The application is made in outline for the erection of up to 3 dwellings, with all matters reserved apart from access. The application has been amended since the

original submission, which stated up to 4 dwellings. However it has now been amended to up to 3 dwellings. This has been done by the removal of plot 1, nearest to St Michaels Church.

- 2.2 The application includes the provision of 2 plots adjacent to Church Farm on the access drive with a third plot located on the existing barn complex. No details have been provided of the external appearance, layout or landscaping of any of the plots.
- 2.3 The application is presented to the Planning Committee at the request of Councillor Rouse on the basis that a previous application on the same site was also presented to the Planning Committee.
- 2.4 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 | 17/01630/OUT | Erection of a single dwelling,<br>to include layout, access and scale. | Refused<br>13 <sup>th</sup> December 2017 |
|-----|--------------|--|---|

### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is a field at the end of The Hamlet. To the front of the site is some planting, some of which is within the ownership of the Highways Authority. To the rear the land slips away and views across the open countryside can be seen. To the south of the site is the St Michaels Church, a Grade II Listed Building which is located on the settlement edge and surrounded by a masonry wall.
- 4.2 The Hamlet of Chettisham has an established pattern of development, whereby the dwellings sit close to the road. Many of the dwellings are of a cottage style and have outbuildings. Development is predominantly on the northern side of The Hamlet, with open fields on the southern side.

### 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.

Asset Information Definitive Map Team - No Comments Received

Local Highways Authority – No objection in principle to the proposal, however the issue relating to the Public Right of Way needs to be discussed further. A condition

recommending the width of the access is 5 metres for a distance of 10 metres. A further response was received which requires that the provision of the footpath must be constructed within the highway, otherwise a Grampian condition would be required.

CCC Growth & Development (Archaeology) – No objection to the proposal however will require a condition for Written Scheme of Investigation.

Senior Trees Officer (Consultant) – concerns have been raised with the proposal and its impact on the landscape and character of the area. However it has been recognised that the reduction in the number of dwellings with some good design and mitigation will go some way to address this.

Conservation Officer – Following a meeting with the applicant and agent it was considered that the removal of plot 1 would remove their objection to the proposal to the scheme.

Environmental Health – No objection to the proposal subject to a condition for working hours. A concern with regard to the barn to rear was raised and what it was used for and in response the agent confirmed this was a seed store. Following this the EHO considered that the barn would not cause harm to the amenities of the future occupiers of the dwelling in this location.

Scientific Officer – No objection subject to conditions relating to contamination.

Waste Strategy (ECDC) – No objection subject to the payment towards the provision of bins.

Consultee For Other Wards In Parish - No Comments Received

The Ely Group Of Internal Drainage Board – No objection as the site is outside of the district for Littleport and Downham.

Ely City Council – No concerns with the application proposed.

Ward Councillors - The application is presented to the Planning Committee at the request of Councillor Rouse on the basis that a previous application on the same site was also presented to the Planning Committee.

5.2 Neighbours –1 neighbouring property was notified and 9 responses were received and are summarised below. A full copy of the responses are available on the Council's website. A site notice was displayed on 17<sup>th</sup> September 2018 and it was advertised in the Cambridge Evening News on 20<sup>th</sup> September 2018 as a potential departure from the development plan.

- The proposal is outside of the development envelope
- Not a sustainable location
- Increase in traffic on the highway
- The site has ecological value
- Light pollution
- Precedent for further development

- Pollution
- Not appropriate form of development
- Can the services cope with the additional dwellings
- A petition has also been received, signed by 19 residents of The Hamlet, objecting to the proposal.

## 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 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 6	Renewable energy development
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations  
 Design Guide  
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

### 6.3 National Planning Policy Framework 2018

- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed places
- 2 Achieving sustainable development
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

### 6.4 Submitted Local Plan 2018

LP1A presumption in Favour of Sustainable Development  
 LP2 Level and Distribution of Growth  
 LP3 The Settlement Hierarchy and the Countryside  
 LP17 Creating a Sustainable, Efficient and Resilient Transport Network  
 LP22 Achieving Design Excellence  
 LP25 Managing Water Resources and Flood Risk  
 LP26 Pollution and Land Contamination

LP27	Conserving and Enhancing Heritage Assets
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside

## 7.0 PLANNING COMMENTS

### 7.1 Principle of Development

- 7.1.1 The Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore any policies controlling 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.
- 7.1.2 This application is for 3 additional dwellings that would be added to the District's Housing Stock and make a contribution towards the shortfall in housing land supply. The provision of any additional dwellings attracts significant weight in the planning balance. The benefits of this development are therefore the contribution it would make in terms of housing supply within the District as a whole as well as the economic benefits of construction and additional population to support local businesses.
- 7.1.3 The site is located outside the established development framework of Chettisham, The site is not considered to be well connected to the settlement, as it is approximately 23 metres from the development envelope, with no pedestrian footpath that meets the site.
- 7.1.4 The fact that the Council cannot currently demonstrate that it has an adequate five year supply of housing does not remove development envelopes. It does however restrict the application of policy GROWTH 2 within the Local Plan, which states that outside defined development envelopes, development will be strictly controlled and restricted to the main categories set out within the policy.
- 7.1.5 The site is also in close proximity to a Grade II Listed Building whereby Paragraph 11, Note 6 states that if the Local Planning Authority does not have an up to date plan, but the proposal would cause less than substantial harm to a heritage asset then the lack of 5 year housing land supply need not apply.
- 7.1.6 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.

### 7.2 Residential Amenity

7.2.1 The site is approximately 50 metres from the development envelope for Chettisham and 55 metres from the nearest dwelling. It is considered that the distances between the dwellings would not give rise for the amenities of either dwelling to be adversely affected. The applicant has submitted an Envirocheck Report dated 3<sup>rd</sup> August 2017 which has been read by the Council's Scientific Officer. They have advised that further investigation is recommended, and that conditions are applied to any grant of approval to ensure risks from land contamination to the future users of the land and neighbouring land are minimised. The plot sizes comply with the specifications within the Design Guide SPD and it is considered that each dwelling would benefit from adequate amenity space. On this basis the proposal is considered to comply with criteria within policies ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.

### 7.3 Visual Amenity

7.3.1 The proposal has been amended to remove Plot 1 and this enables views from the lane that runs along the Church through to the A10 and up towards the Lynn Road to Littleport. It is considered that the proposal whilst it can be seen from some viewpoints it will not be to the detriment of the character of the area. The development continues the linear development of The Hamlet. On this basis the proposal is considered to meet the criteria within policies ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.

### 7.4 Historic Environment

7.4.1 The site is not within the Conservation Area, however is opposite a Grade II Listed Building, St Michaels Church. St Michaels Church is considered to be of 12<sup>th</sup> century origin with later additions and repairs.

7.4.2 In consultation with the Conservation Officer the proposal was originally considered unacceptable, due to the provision of Plot 1, which was almost opposite the church and would have caused harm to the setting of the Listed Building. However since the application has been amended to remove plot 1, the proposal is considered to cause less than substantial harm to the setting of the Listed Building and is outweighed by the public benefit of the provision of three additional dwellings. On this basis the proposal is considered to comply with policies ENV12 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2018.

### 7.5 Highways

7.5.1 In consultation the highways officer did not object to the application, however did raise a concern with regard to the positioning of some gates at the entrance to the main farm complex to the west and whether these were in breach of highway land and suggested the applicant discuss further with Cambridgeshire County Council Definitive Mapping Team. Any application would require an informative preventing works in the highway without consent from the Highways Authority.

- 7.5.2 The site can provide adequate parking and turning areas within the site to ensure highway safety is not compromised. On this basis the proposal is considered to comply with policies COM7 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 7.6 Ecology
- 7.6.1 A Phase I Habitat Survey was submitted with the application, along with a Bat, Owl and Breeding bird Survey. In the conclusion of the report it states that the no significant impacts are anticipated are on nearby protected sites due to the lack connectivity and the distances. The report also concluded that the habitats have a relatively low nature conservation value with a negligible ecological consequence. Recommendations were made within the report stating the retention and protection of the hedge and that in the final design of the dwellings there should minimal external lighting, any landscaping should use native species and biodiversity features should also be included.
- 7.6.2 The conclusions of the Bat, Owl and Breeding Bird Survey state that there is evidence of bats and birds and as such any development must make provision for breeding birds and roosting bats as well as for a Pied Wagtail. It also recommends the provision of 6 bat boxes to be installed on the trees around the grazing paddock.
- 7.6.3 It is considered that the report addresses all of the issues relating to protected species. Any proposed development could be built with mitigation measures to ensure no harm came to any of the protected species. On this basis the proposal is considered to comply with policies ENV7 of the East Cambridgeshire Local Plan 2015 and LP30 of the Submitted Local Plan 2018.
- 7.7 Flood Risk and Drainage
- 7.7.1 The site is within Flood Zone 1 which is considered to be the risk of flooding is low. Any planning permission could have a condition attached requiring drainage details. It is considered that the proposal complies with policies ENV8 East Cambridgeshire Local Plan 2015 and LP25 Submitted Local Plan 2018.
- 7.8 Other Material Matters
- 7.8.1 The issue in relation to the encroachment of the highway can be dealt with by way of an informative and or the removal of the gate. The agent has been made aware of the need to seek clarification on this issue from the Cambridgeshire County Council Definitive Mapping Team.
- 7.9 Planning Balance
- 7.9.1 The site is not within the development envelope for Chettisham, however in light of the Council's lack of 5 year housing supply then this in some circumstances may not apply. The site can provide 3 additional dwellings and is considered since the removal of plot 1 will no longer cause harm to the setting of the Listed Building. On

this basis the proposal is considered to be acceptable and meet the requirements of the Local Plan, subject to conditions.

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01204/OUT	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Planning Officer 01353 665555 toni.hylton@eastcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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

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

Plan Reference	Version No	Date Received
Location Plan		31st August 2018
22609/001		31st August 2018
22609/002		31st August 2018
22609/003		31st August 2018
22609/004		31st August 2018
OAS 18-148-TS01		31st August 2018
BAT OWL AND BREEDING BIRD SURVEY		31st August 2018
Contamination report		31st August 2018
Preliminary Ecological Appraisal		31st August 2018
Arboricultural Implications Assessment		31st August 2018
316/P/03		23rd November 2018
316/P/01		23rd November 2018
316/P/02		23rd November 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, 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 and timeframe as agreed in writing by the Local Planning Authority.
- 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 and LP26 of the Submitted Local Plan 2018. 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 to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to 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 and LP26 of the Submitted Local Plan 2018.
- 6 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of the dwelling.
- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 7 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the dwellings.
- 7 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 8 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It 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 prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.

- 9 No above ground construction shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 10 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 11 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 11 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 12 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 12 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.