

**MAIN CASE**

**Reference No:** 19/00036/FUL

**Proposal:** Demolition of existing bungalow and creation of 7 properties made up of 4no. 3 bed town houses, 2no 3 bed flats and garage conversion to form 1no 3 bed dormer bungalow

**Site Address:** 5A White Hart Lane Soham Ely Cambridgeshire CB7 5JQ

**Applicant:** Churchgate (Elite) Developments Ltd

**Case Officer:** Anne James, Planning Consultant

**Parish:** Soham

**Ward:** Soham South  
 Ward Councillor/s: Councillor Ian Bovingdon  
 Councillor Dan Schumann

**Date Received:** 24 January 2019      **Expiry Date:** 14<sup>th</sup> June 2019

**[U12]**

1.0 **RECOMMENDATION**

1.1 Members are recommended to **APPROVE** subject to the recommended conditions below:

1.2 The conditions can be read in full on the attached Appendix 1.

1. Plans
2. Time Limit
3. Archaeology
4. Materials
5. CEMP
6. Construction times and deliveries
7. Boundary treatments
8. Soft Landscaping
9. Maintenance of shared areas
10. Arboricultural Method Statement
11. Hard Landscaping
12. Energy Sustainability
13. Bird Nesting Season
14. Biodiversity Improvements
15. External Lighting
16. Site Characterisation

- 17 Unexpected Contamination
- 18 Gate location as shown on the approved layout drawing
- 19 Turning and parking area
- 20 Parking as shown on the approved layout drawing
- 21 No private water shall be discharged on to the adopted highway
- 22 Design of Bin Store
- 23 Foul and surface water
- 24 Fire Hydrants

## 2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks planning consent for a development comprising 7 dwellings comprising the following accommodation:

- 2 x 3no bed apartments
- 1 x 3no bed chalet bungalow
- 4 x 3no bed terrace of townhouses

The scheme also involves the creation of 2 parking bays per dwelling, turning area and landscaped areas.

2.2 The application has been accompanied by the following documents:

- Mission, Design and Access Statement;
- An Arboricultural Survey Report
- Heritage Statement

2.3 The application has been called in by Councillor Hamish Ross due to issues concerning an overdevelopment of the site, potential traffic congestion and lack of parking for residents and visitors.

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.eastcamb.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	18/00343/FUL	The demolition of an existing bungalow. Construction of 5no. 3 bed townhouses, 1no. 3 bed bungalow, 1no. garage conversion into a 3 bed bungalow and 2no. 3 bed flats.	Refused	18.07.18
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#### **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The application site comprises an irregular shaped area of land measuring approximately 0.161 ha (0.4 acre), located on the northern side of White Hart Lane within the Soham Conservation Area. The site contains a detached bungalow with detached garage and associated landscaped areas.
- 4.2 The site is located just outside of the town centre boundary but within the development envelope of Soham. The prevalent character of development here is mixed use. Market Street is located to the north with White Hart Lane running along the southern edge. A passageway, serving a two storey flatted development, runs along the full extent of the eastern boundary linking Market Street to White Hart Lane. This site boundary comprises a brick wall of approximately 1.5m in height. Along the western boundary the site abuts the rear of the town centre boundary and a range of commercial premises which front on to Churchgate Street.
- 4.3 There are a number of trees on the site with a dense hedgerow on the northern boundary. Abutting the site to the north is a strip of land used for the storage of recovery vehicles.
- 4.4 Land levels are fairly consistent across the site.

#### **5.0 RESPONSES FROM CONSULTEES**

- 5.1 A number of revisions have been made to the scheme concerning the position of the turning head, parking bays, parking in Churchgate Street, visibility splays, as well as modifications to the design and the reduction in depth of the central block of dwellings and these have been re-consulted on. The Tree Report has also been amended to reflect the revised layout. Responses have been received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

##### Cambridgeshire Archaeology –

Our records indicate that the site is located in an area of high archaeological potential in the historic core of Soham which is raised up on an island with low-lying Fen to the east, west and north. The application area was known as “the cage” and there are surviving buildings dating from the 16<sup>th</sup> through to the 19<sup>th</sup> Century. It is likely that parts of the southern half of the site would contain foundations from some of the buildings.

Recommend a similar condition to that recommended in the previous application.

##### Local Highways Authority -

After a review of the amended layout I have no further objections. It has been brought to my attention that the vehicle access and shown parking arrangement on the High Street, is as existing. As such, and as the situation will not differ, I have no objection to this application. Subject to conditions.

CCC Growth & Development –

No Comments Received

ECDC Trees Team

Initial objections have been raised with regard to the application to the loss of significant feature trees that are visible from Market Street and Paddock Street combined with the lack of space for any surviving trees to develop in size and stature. However, the layout has been amended and a revised Tree Report re-consulted on.

Any further comments will be reported to Committee.

Environmental Health – No objection,

Subject to conditions concerning contamination, construction times and deliveries as well as a Construction Environment Management Plan (CEMP)

Waste Strategy (ECDC) – No objection

Subject to Informatives.

Consultee For Other Wards In Parish –

No Comments Received

Ward Councillors – Councillor Hamish Ross

I most strongly object to this application on the grounds of overdevelopment and the fact that White Hart Lane will be wholly unable to accommodate the increase in both traffic and parking issues.

From one original bungalow, you propose to create 7 new properties. It is reasonable to assume that any property would probably have 2 cars. Therefore we have a situation where currently there maybe 2 cars associated with this property but with this development, this will mushroom to 14!!!

White Hart Lane is highly congested as it is now. Developing this site will lead to an already unbearable situation turning into a nightmare.

Parish – No objection

The Clerk introduced a revised plan consistent with the plan provided which demonstrated the reduction of housing total from 9 to 7 but in addition access and turning modifications. Approved by majority as this satisfied previous concerns over the overdevelopment issue.

## Conservation Officer –

Initial objections have been resolved with the reduction in depth of the central block of dwellings, the removal of dormers and porch projection. No objection.

- 5.2 Statutory Notification – A site note was erected outside of the site on 20<sup>th</sup> February 2019 and the application was advertised in the Cambridge Evening News on 14<sup>th</sup> February 2019. 42 neighbouring properties were notified on 7<sup>th</sup> February 2019 and again on 7<sup>th</sup> March 2019. 5 letters of representation were received opposing the scheme and 2 letters in support of the scheme. The responses received are summarised below. A full copy of the responses are available on the Council's website.

### Opposing

#### *Highways*

- Traffic congestion,
- Highway safety,
- Traffic flow increased;
- Parking/tandem parking in Churchgate Street;
- Deliveries;
- State of roads;
- Lack of scale regarding size of car parking, turning area and area for wheelie bins;
- Construction vehicles;
- Right of access;
- Gravel on driveway being fed on to White Hart Lane;
- Inconsiderate parking in surrounding highway network;
- White Hart Lane too narrow;

#### *Residential amenity*

- loss of privacy;
- odour;
- overlooking;
- noise and general disturbance

#### *Natural Environment*

- Trees

#### *Historical Environment*

- Impact on Conservation Area;
- Out of character with visual amenities of the area;

#### *Other*

- Site layout;

## Supporting

- Positive for vitality and vibrancy of commercial elements in Soham Town Centre;
- Adequate parking provision;
- Eco-friendly;
- Interested in living within walking distance of the Town Centre;

### 6.0 The Planning Policy Context

#### 6.1 East Cambridgeshire Local Plan 2015

GRPWITH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational Strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
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
ENV11	Conservation Areas
ENV12	Listed Buildings
ENV14	Sites of Archaeological Interest
COM 7	Transport impact
COM 8	Parking provision

Part 2: Village Visions

8.31 Soham

#### 6.2 Supplementary Planning Documents

- East Cambridgeshire Design Guide
- Developer Contributions and Planning Obligations
- Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
- Flood and Water
- Soham Masterplan Vision 2010
- Soham Conservation Area Appraisal

#### 6.3 National Planning Policy Framework 2019

- 2 Achieving Sustainable Development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment
- 17 Facilitating the sustainable use of minerals

#### 6.4 Planning Practice Guidance

Due regard has been had to the guidance contained within the PPG.

### 7.0 **PLANNING COMMENTS**

7.1 The material planning considerations applicable in the determination of this application are:

- Principle of Development
- Impact on the visual amenities of the Soham Conservation Area
- Residential amenity
- Highway and parking
- Archaeology, Biodiversity and Ecology
- Flooding and Drainage
- Other Matters
- Planning Balance

#### 7.2 Principle of Development

7.2.1 An assessment of the planning application has been undertaken within the following sections of the report using the principles of the presumption in favour of sustainable development, as set out in the NPPF, the East Cambridgeshire Local Plan 2015.

7.2.2 The NPPF promotes sustainable development and states at para 11 that new housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF supports the delivery of a wide range of high quality homes and considers small and medium sized sites (1ha or less) can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly, para 68 refers.

7.2.3 Local planning authorities are charged with delivering a wide choice of high quality homes and to significantly boost the supply of housing by identifying sites for

development; maintaining a supply of deliverable sites, and, to generally consider housing applications in the context of the presumption in favour of sustainable development.

7.2.4 An assessment has been made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.

7.2.5 For the purposes of assessing the proposal, and, in relation to the presumption in favour of sustainable development, it is pertinent to consider the previously refused scheme. This comprised an application of 9 dwellings in which the adverse impacts of the scheme significantly and demonstrably outweighed the benefits of the proposal Plan Ref: 18/00343/FUL refers. Planning permission was refused on 18<sup>th</sup> July 2018 for the following reasons:

1. *By virtue of the number of dwellings and the design, layout, scale and massing of the scheme, the proposed development would fail to preserve and enhance the special character of the Soham Conservation Area and the Listed Buildings located within it. The proposal is therefore contrary to the aims and objectives of the NPPF, Policies ENV2, ENV11 and ENV12 of the Local Plan 2015 and Policy LP27 of the Submitted Local Plan 2017.*
2. *Due to the restricted plot size there is inadequate provision for vehicle turning within the site, the scheme would fail to deliver a safe shared use area to meet the standards adopted by the Local Planning Authority for the proposed use. The proposed development does not provide an adequate level of parking provision for the dwelling and would likely result in an undesirable increase in on-street parking in the surrounding area. Moreover, the design of the entrance and access is not satisfactory for the shared use proposed. The proposal is therefore contrary to the aims and objectives of the NPPF and the provision of Policy COM7 of the Local Plan 2015 and Policies LP17 and LP22 of the Submitted Local Plan 2017.*
3. *By reason of the siting of Plot 9, the proposal represents an over-development of the site where insufficient separation distance between developments can be achieved, resulting in loss of privacy, light and outlook for occupiers of adjoining properties in Market Street. Moreover, the living environment for future occupiers of the site would also be injuriously affected in terms of loss of privacy and overlooking from properties in Market Street and Churchgate Street. The proposal would therefore fail to achieve an adequately high standard of living environment and would be contrary to the provisions of Policies ENV2 of the Local Plan 2015 and LP22 of the Submitted Local Plan 2017.*
4. *The proposal would lead to an overdevelopment of the site which by reason of the contrived layout would leave little potential for the retention of the existing trees and no provision of space for significant tree planting to mitigate the impact of tree removals that this proposal represents. The proposal would therefore fail to achieve a net environmental gain to the detriment of the natural environment and the visual amenities of the Soham Conservation Area contrary*



*to the provision of Policies ENV7 of the Local Plan 2015 and LP 28 and LP30 of the Submitted Local Plan.*

- 7.2.6 Policy HOU2 of the adopted Local Plan 2015 requires the appropriate density of a scheme to be judged on a site-by-site basis taking account of the existing character of the locality and the settlement and housing densities within the surrounding area, the need to make efficient use of land; the biodiversity of the site; the need to accommodate open space and parking; the level of accessibility and the impact on residential amenity of both existing and future residents.
- 7.2.7 In assessing the proposal presently under consideration, the number of units on the site has been reduced from 9 to 7. As a consequence, the spatial relationship of buildings within the site has resulted in additional parking, an appropriate turning area, pockets of communal landscaping and the retention of a number of the significant feature trees plus opportunities for tree planting. The impact on residential amenity of both existing and future occupiers has also improved.
- 7.2.8 Further amendments have been sought by the Conservation Officer which have resulted in a reduction in depth of a number of the dwellings, as well as some alterations to the design, to be more in keeping with the special character of the Soham Conservation Area.
- 7.2.9 Given the Council's current 5 year land supply position, the reasons for refusal have been addressed in the resubmitted scheme and the presumption in favour of sustainable development applies.
- 7.2.10 The proposal is therefore acceptable in principle.
- 7.3 Impact on the visual amenities of the Soham Conservation Area
- 7.3.1 Section 16 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal including development that may affect the setting of a heritage asset.
- 7.3.2 Policies ENV2 and ENV11 of the Local Plan 2015 requires development proposals to be designed in order to preserve or enhance the special character and appearance of the area.
- 7.3.3 The site is located in the Soham Conservation Area adjacent to a number of Listed Buildings (2-4 Churchgate Street and 1-5b White Hart Lane). The surrounding area and tight urban grain consists mainly of 1 - 3 storey dwellings with the existing bungalow benefitting from a generous plot size which makes a neutral contribution to the Conservation Area and the setting of the Listed Buildings.
- 7.3.4 In the previously refused scheme the Council's Conservation Officer raised concerns over the design and layout of the scheme, which whilst taking into account the existing dense urban grain, was considered to be excessive in terms of massing and scale when viewed in relation to neighbouring dwellings. As such, it made little positive contribution to the character of the Conservation Area. The increased

density on the site was also not considered to preserve or enhance the character or equally the setting of the Listed Buildings located to the south and west of the site. Further criticisms of the scheme were aimed at the unimaginative design with little regard to the architectural language of the surrounding properties.

7.3.5 In the current scheme, the Conservation Officer noted that only flats 6 & 7 approached the scale and informal character of the type of service buildings (eg stables, workshops etc) which might be found in this location. As a consequence the scheme was further revised by reconfiguring the town houses to form a central group or 'mews' style more characteristic and in keeping with the type of development found within the historic core of Soham.

7.3.6 In terms of the materials proposed, the details indicate that gault brickwork with lime mortar on all external elevations with natural slate on the roof would be used. It is also proposed to use timber framed windows and doors with brick arch and stone cills. The materials proposal are considered to be of good quality and in keeping with the prevalent character of this part of the Conservation Area.

7.3.7 Given the scheme has been amended in line with advice from technical consultees, it would result in less than substantial harm to the historic environment of this part of the Soham Conservation Area. In weighing up the public benefits, the proposal would provide much needed housing, which in view of the Council's 5YLS position is a benefit to which considerable weight is afforded, para 196 of the NPPF refers. As such the proposal would satisfy the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as Policies ENV2 and ENV11 of the adopted Local Plan. This factor can be afforded neutral weight in the planning balance

#### 7.4 Residential amenity

7.4.1 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings is obtained. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers.

7.4.2 As mentioned in earlier sections of the report, the urban grain is dense and heavily constrained by neighbouring properties, some of which overlook the site.

7.4.3 With the removal of a two storey block of flats on the eastern boundary there is now an acceptable separation distance of approximately 20m between facing windows of the adjoining occupiers of the residential accommodation to the east of the site which complies with the requirements of the East Cambridgeshire Design Guide 2012. Whilst noise and general disturbance has been raised in the letters of representation from the parking bays located adjacent to the eastern boundary, given that the site is located within the central core of Soham Town Centre and there is a footpath already on this boundary which is used by members of the public, then a degree of noise and general disturbance already exists. That said, there are opportunities for landscaping along this boundary, and in addition, a number of measures are proposed which would mitigate the harm to residential amenities during the construction phase, such

that the impact on residential amenity is not considered sufficiently injurious to refuse. In terms of odour, it is not considered that this would cause detriment to adjoining occupiers.

7.4.4 The spatial relationship with development in Churchgate Street has also been considered. Bearing in mind a number of these properties have extensive single storey rear extensions which would be close to the application site boundary, the two storey elements are sufficiently set back resulting in an acceptable spatial relationship being achieved between inter-visible windows. The terrace of 4 dwellings has also been reduced in depth and as such this has also improved the relationship between the adjoining properties. It is acknowledged that a number of these properties are in use as restaurants and takeaways and therefore would generate a degree of disturbance, noise nuisance, smell and odour. No concerns have been identified by the Council's Environmental Health Department and bearing in mind this site is adjacent to the town centre, then future occupiers would take into consideration the nature of the urban environment which would include town centre uses.

7.4.5 In terms of the living environment created for future occupiers of the site, it is considered that all rooms benefit from a degree of outlook and sunlight/daylight penetration. Whilst, the amount of amenity space on a number of the dwellings falls short of the design guidance, it is acknowledged there are benefits in living within walking distance of the town centre and a number of facilities, services as well as close proximity to the recreational ground at St Andrews.

7.4.6 It is considered that on balance the scheme provides an acceptable standard of living for existing and future occupiers of the site and this factor is afforded moderate positive weight. The scheme therefore complies with Policy ENV2 of the adopted Local Plan 2015.

## 7.5 Highway and Parking

7.5.1 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, Section 4 of the NPPF refers.

7.5.2 Policy COM7 of the Local Plan is consistent with the NPPF and also requires development to be designed in order to provide safe and convenient access to the highway network; reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location.

7.5.3 Soham is an historic and attractive market town of approximately 11,000 people which is easily accessed from the A14. The adopted Local Plan 2015 sets the framework for significant growth of around 2,300 dwellings and new employment land which was informed by Soham Masterplan Vision 2010 document which looked at the long-term growth of Soham over the next 40 years.

7.5.4 As such Soham, is a growth area, and is considered to be a sustainable location that can accommodate planned growth and where sustainable transport modes can be

further explored. The site, located within close proximity to the Town Centre Boundary, as defined by the 2015 Local Plan is also considered to be locationally sustainable as it is within walking distance of a range of local services, facilities and bus routes.

7.5.5 The site benefits from an existing access with the highway in White Hart Lane. The access is proposed to become a permanent shared use area. However, a number of issues have been identified within the letters of representation regarding highway safety; the need for a safe access for emergency and service providers and construction vehicles; deliveries; tandem parking in Churchgate Street; state of roads; right of access; White Hart Lane being too narrow, as well as the general state of roads in the surrounding area.

7.5.6 The Local Highways Authority has raised no objection to the scheme, acknowledging that vehicles are now able to access the site, turn around and egress in a forward gear. Whilst it is acknowledged that there may be an increase in vehicular movements to and from the site, given that the development is within walking distance of the town centre then the scheme would also benefit from a range of sustainable modes of transport. A range of mitigation measures can also be imposed by way of a Construction Environment Management Plan to control deliveries, routing of construction vehicles as well as noise, dust, vibration, fumes etc. In terms of the general state of the roads in the surrounding area, this is a highway maintenance issue and cannot be dealt with in the report to Committee. With regard to gravel being swept on to the highway this could be resolved by additional details being considered by condition on the materials to be used in the construction of the access road.

#### *Parking*

7.5.7 Policy COM8 of the adopted Local Plan sets out parking provision outside of town centres and requires 2 spaces per dwelling plus up to 1 visitor parking space per 4 units. Cycle parking should also be provided at 1 space per dwelling.

7.5.8 The scheme would provide 16 parking spaces (two of which would be existing spaces accessed from Churchgate Street for use by future occupiers of Plot 1 (garage conversion). The layout of the scheme has been amended and now accommodates sufficient parking provision on site of an appropriate size, and as such, would not result in off-site parking and pressure on the existing highway network.

7.5.9 The scheme complies with the policy requirements of Policies COM7 and COM8 of the adopted Local Plan 2015 and this factor is afforded neutral weight in the planning balance.

#### 7.6 Archaeology, Biodiversity and Ecology

##### *Archaeology*

7.6.1 Policy ENV14 of the adopted Local Plan 2015 requires development proposals that affect sites of known or potential archaeological interest to have regard to their

impact upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains.

- 7.6.2 The County Archaeologist has commented that the site lies in an area of high archaeological potential in the historic core and therefore in compliance with Policy ENV 14 has requested a Written Scheme of Investigation report to form part of any consent. It is considered that the impact of the development can be comprehensively considered at a later date. The scheme complies with Policy ENV14 of the adopted Local Plan 2015 and this factor is weighed neutrally.

#### *Biodiversity*

- 7.6.3 Policy ENV7 of the Local Plan requires that development should protect biodiversity and the geological value of land and buildings and minimise harm to or loss of environmental features such as hedgerows and trees.
- 7.6.4 The existing site supports a number of trees. In particular, there are 4 fruit trees, 3 Sycamore, 1 Ash, a Holly, and a Maple, as well as two groups of leylandii. Whilst there are no TPOs on the trees, due to the location of the site within the Conservation Area any tree works would require prior notification.
- 7.6.5 An amended Tree Report [Ecologylink dated May 2019] has accompanied the application and this takes account of the amended layout. It is proposed to retain a Maple (T1), Cherry (T2), Sycamore (T7) and an Ash Tree (T9) which have been classified as Category B trees and are of 'Good' quality. The Ash Tree (16m in height) and the Sycamore (15m in height) are visible above the surrounding roofscape. The Maple and Cherry are located adjacent to the parking areas and are visible from White Hart Lane. A number of trees are proposed to be removed and comprise 3 Sycamore, 2 Apple, 1 Cherry and a Holly tree as well as the two groups of leylandii. These have been classified as good to low quality.
- 7.6.6 The Tree Officer has raised objections to the scheme due to the loss of significant feature trees that are visible from Market Street and Paddock Street combined with the lack of space for any surviving trees to develop in size and stature. Whilst the loss of a number of these trees is regretted, the scheme would retain two skyline trees and an opportunity does exist within a number of the pockets of communal landscaped areas for replacement fruit trees. This factor is afforded limited negative weight in view of the possibility for additional tree planting.
- 7.6.7 In terms ecology, whilst a number of trees would be lost within the site, the proposal does present an opportunity to provide a net environment gain and further information can be submitted by way of a condition on the consent to enhance the ecology of the site. However, on balance the proposal complies with Policy ENV7 of the adopted Local Plan 2015.

#### 7.7 Other Matters

##### *Ground Contamination*

- 7.7.1 In terms of the presence of contamination, as any residential property is classed as vulnerable to the presence of contamination the Council's Scientific Officer has

advised that contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, can be attached to any planning permission granted.

#### *Flooding and Drainage*

- 7.7.2 Policy ENV8 of the Local Plan requires that all developments should contribute to an overall flood risk reduction.
- 7.7.3 The application site is not within an area at high risk of flooding and lies within Flood Zone 1 where residential development should be located. Surface water is to be disposed of via the main sewer. There is no reason to believe that the development could not be served by a suitable drainage system that prevents flooding of adjacent land or increased risk of pollution. These matters could be secured through a suitable planning condition.
- 7.7.4 In terms of foul water, the application indicates that this would also be disposed of via the mains sewer and again this matter would need to be dealt with via condition.
- 7.7.5 It is considered the proposal would be able to attenuate the additional surface and foul water created by this development but that further information would need to be supplied to demonstrate this and this would be secured by planning condition. As a result this is weighed neutrally in the planning balance. The proposal would comply with Policy ENV8 of the adopted Local Plan 2015.

#### *Rights of access*

- 7.7.6 With regard to the right of access over land not within the applicant's ownership, this is a civil matters and therefore cannot be considered within the planning report.

#### *5YLS*

- 7.7.7 In view of the fact that the Council is unable to demonstrate a 5 year land supply, the proposal of 7 new dwellings would make a significant contribution, although in view of the number proposed, this factor can only be afforded moderate positive weight.

#### *Waste*

- 7.7.8 The information supplied with the application indicates the presence of a bin store close to the site entrance. The Waste Strategy Team has commented that it would be the responsibility of the owners/residents to take any sacks/bins to the bin store on the relevant collection day and this should be made clear to any prospective purchasers in advance. This advice is provided on the planning permission.

#### *CIL*

- 7.7.9 The development will be subject to the Community Infrastructure Levy.

## *Energy Efficiency*

- 7.7.10 All new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy Policy ENV4 refers and further details can be obtained by condition.

## 7.8 Planning Balance

- 7.8.1 The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development. Para 11 of the NPPF requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.8.2 The development would make a contribution to the housing land supply which, in the context of the Council currently being unable to demonstrate the 5 year housing land supply, is a benefit to be attributed significant weight in the planning balance. However, in view of the small number of dwellings proposed this is afforded moderate positive weight. There would also be economic benefits in terms of the construction of the development itself, those associated with the resultant increase in population and the contribution to the local economy to which moderate weight should be attached.
- 7.8.3 It is considered the scheme provides an acceptable standard of living for existing and future occupiers of the site and this factor is afforded moderate positive weight.
- 7.8.4 The scheme would result in the loss of a number of significant feature trees, although, there is an opportunity for a replacement tree scheme such that this factor is afforded limited negative weight.
- 7.8.5 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of impact on heritage assets, access and highway safety, flooding and drainage and visual amenities. However, these matters do not represent benefits to the wider area but demonstrates an absence of harm to which weight should be attributed neutrally.

## 8. CONCLUSION

- 8.1 Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the East Cambridgeshire Local Plan 2015 and supplementary planning documents and guidance, in applying para 11 of the NPPF, it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits.
- 8.2 The proposal is recommended for approval, subject to conditions.

## 9. **COSTS**

- 9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 9.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 9.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 9.4 In this case Members' attention is particularly drawn to the following points:

The proposal would not injuriously harm to the character and appearance of the Conservation Area or residential amenity of existing and future occupiers as well as highway safety.

## 10. **APPENDICES**

- 10.1 Appendix 1 - Conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/00036/FUL	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastc ambbs.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>



## CONDITIONS

## APPENDIX 1

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

<i>Plan Ref:</i>	<i>Version</i>	<i>Dated Received</i>
200		20 <sup>th</sup> March 2019
201		20 <sup>th</sup> March 2019
202		20 <sup>th</sup> March 2019
203		20 <sup>th</sup> March 2019
004		20 <sup>th</sup> March 2019
005		20 <sup>th</sup> March 2019
006		20 <sup>th</sup> March 2019
007		20 <sup>th</sup> March 2019
Topographical Survey		7 <sup>th</sup> January 2019
003		7 <sup>th</sup> January 2019
002		7 <sup>th</sup> January 2019
100		7 <sup>th</sup> January 2019
101		7 <sup>th</sup> January 2019
400		7 <sup>th</sup> January 2019
401		7 <sup>th</sup> January 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 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 demolition shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
  - A The Statement of significance and research objectives;
  - B The programme and methodology of site investigation and recording and the nomination of a competent person or organisation to undertake the agreed works;
  - C The programme for post excavation assessment and subsequent analysis, publication and dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

- 3 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 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.
- 4 No above ground construction shall take place on site until details of the bricks, stone, roof coverings, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 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.
- 6 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 and 07.30 – 13.00 on Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 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 occupation of the first dwelling.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to first occupation 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 special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to any occupation of the development, a scheme for the maintenance of the shared areas for a minimum period of ten years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
  - i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation
- 9 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall take place until a detailed Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.
- 10 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: access road and all shared areas. 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.
- 11 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2

and ENV11 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 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 12 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 13 Any tree, hedge or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation.
- 13 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 14 No above ground construction shall commence until 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 development hereby approved and thereafter maintained in perpetuity.
- 14 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 15 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 15 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 16 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.

- 16 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.
- 17 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.
- 17 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.
- 18 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, as shown on Drawing 004.
- 18 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 19 Prior to first occupation of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 19 Reason: To ensure construction of a satisfactory access, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to occupation of the dwellings space shall be laid out within the site for 16 cars to park. This area shall be levelled, surfaced and drained and thereafter retained for that specific use.

- 20 Reason: To ensure construction of a satisfactory access, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 21 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 and retained in perpetuity.
- 21 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 22 No above ground construction shall commence until details of the bin stores have been submitted to and agreed in writing with the Local Planning Authority. The bin stores shall be in situ in accordance with the approved details prior to the occupation of the development.
- 22 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 23 No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation.
- 23 Reason: To prevent environmental and amenity problems arising from flooding. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 24 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 24 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.