
MAIN CASE

Reference No: 17/01171/OUT

Proposal: Outline permission for the demolition of 28 High Street and construction of 8 dwellings with some matters reserved except access, layout and scale

Site Address: 28 High Street Ashley Newmarket Suffolk CB8 9DX

Applicant: Silverley Properties Ltd

Case Officer: Julie Barrow, Senior Planning Officer

Parish: Ashley

Ward: Cheveley
Ward Councillor/s: Councillor Peter Cresswell
Councillor Mathew Shuter

Date Received: 3 July 2017 **Expiry Date:** 22 September 2017
[S105]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to APPROVE the application subject to the recommended conditions below:
- 1 Approved plans
 - 2 Time Limit - OUT/OUM
 - 3 Time Limit - OUT/OUM/RMA/RMM
 - 4 Archaeological Investigation
 - 5 Reporting of unexpected contamination
 - 6 Foul and surface water drainage
 - 7 Gates - restriction
 - 8 Access construction
 - 9 Access drainage
 - 10 Replacement trees
 - 11 Boundary treatments
 - 12 Construction times
 - 13 Construction Environmental Management PI
 - 14 Tree Protection Measures
 - 15 Sustainable development -General Outline
 - 16 Ecological mitigation and enhancements
 - 17 Public Right of Way
 - 18 Line of Public Right of Way
 - 19 Open space

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline consent for 8 dwellings at 28 High Street, Ashley. Access, layout and scale are being considered with appearance and landscaping as reserved matters.
- 2.2 The proposal includes the demolition of the existing dwelling known as No. 28 High Street and the creation of an access road on the site of the dwelling, leading to 8 dwellings on paddock land to the rear. An area of open space is proposed in the eastern part of the site.
- 2.3 The dwellings are 1.5-2storeys in height with ridge heights ranging from 7m to 7.8m
- 2.4 Amended plans have been received during the course of the application making changes to the road layout and construction, in response to comments made by the Local Highway Authority and to address matters of layout and scale at this stage.
- 2.5 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.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.6 The application has been called in by Cllr Cresswell – *"In view of the strength of opposition to this application from Ashley Parish Council and local residents, I hereby request that it be 'called in' for determination by the Planning Committee"*.

3.0 PLANNING HISTORY

3.1

13/00668/TPO	T1 Sycamore - Remove three lowest branches overhanging the pub	16.08.2013
17/00910/TPO	T1 Sycamore -Fell due to the extent of the basal decay identified in arboricultural report of resistograph micro drill test results	23.06.2017

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site extends to approximately 0.8 hectares with the dwelling known as No. 28 and its immediate curtilage located within the established settlement boundary. The remainder of the site is located outside the established settlement boundary. No.28, its curtilage and the eastern half of the paddock land to the rear are located within the Ashley Conservation Area. The Old Plough, a grade II listed building is located to the north of No. 28. This building is currently in use as a restaurant with a car park to the side and rear where it adjoins the application site. The area is

primarily residential in nature with Silverley Way, a modern residential development to the south. A public footpath, known as the Icknield Way (an ancient trackway that runs from Norfolk to Wiltshire), runs alongside the northern boundary of the site and is separated from the site by an existing hedgerow and post and rail fencing.

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.

Ashley Parish Council – Summary of main points:

- Strongly opposed to development
- Not in accordance with current or draft Local Plan and was not envisaged when the 'call for sites' was made
- Proposal does not offer sustainable development and is contrary to local and national planning policy
- Cannot be supported by local primary school
- Not supported by adequate public transport meaning the vast majority of journeys from the site will be taken by car
- Risks damaging The Plough restaurant, which will no longer be seen as sitting in a rural setting. Believe that potential economic damage to The Plough far outweighs the short term economic benefit that this development could make to the construction industry
- Brings no financial/economic, social, emotional or environmental benefit to the existing residents of Ashley
- Employment opportunities in Ashley are limited and there are limited local facilities
- No benefit to the community of Ashley and it does not need new development to keep it vibrant
- Applicant is a speculative investor, has no investment with the village or knowledge of what might be of benefit
- Loss of land currently in private equestrian use. Contrary to policies in the Local Plan
- Development would negatively impact the conservation area and adjacent listed building
- As application is in outline form it is not possible to determine what impact the scheme would have on the local area
- Concerns that damage will be caused to The Plough from vibrations from vehicles using the access
- Since the building of 28 High Street subsidence has been caused in the ground alongside the boundary fence with The Plough, believed to be caused by run-off from the driveway of No. 28. Suggests weakness below ground level that may be exacerbated by the proposal.
- Negative impact in the Icknield Way, an ancient right of way
- No details on sewerage connections. Applicant should be asked what guarantees can be put into place to ensure that drains are not blocked, damaged or affected.
- Would be an isolated community, cut off from the rest of Ashley
- Concerns regarding ongoing cost of maintenance of green spaces

Local Highway Authority (first response) – No objections in principle. The LHA would usually require that junctions have 6m radii and not 5m as shown as also 1.8(min) wide footways. The splays are correct for the road speed. At this stage the LHA would be unable to adopt the road with the shown access layout.

Local Highway Authority (second response) – The road layout as per drawing number 1202-007 would be acceptable for adoption with some minor amendments to the internal details e.g. pedestrian crossing point at the start of the shared use area should be at the top of the ramp.

In order for this to be eligible for adoption there must be 2 x 1.8m footways if there is room to provide them. Reducing the minimum adoptable standards without good reason may affect the safety of vulnerable road users.

Lead Local Flood Authority – The application is not classed as ‘major development’ and the LLFA will not therefore be making any comments.

Historic Environment Team – Records indicate that the site lies in an area of archaeological potential. There is no objection to development proceeding but it is considered that the site should be subject to a programme of archaeological investigation secured by condition.

Rights of Way Team – Public Footpath No. 2 Ashley runs along the northern boundary of the site. The footpath in question does not have a recorded width for this affected section. The County Council would however expect a minimum width of 2 metres. These 2 metres should not be directly bounded by fence lines or landscaping features which will obstruct the path in the future. Any trees or hedgerows planted must be a minimum of 2.5 metres back from the edge of the path to allow for natural growth. The Rights of Way Team would also welcome a discussion with the applicant in relation to any surfacing works which are proposed as part of the proposal and how the route will be managed during the construction phase. This information is currently lacking from this application. No objections subject to conditions relating to the right of way.

Conservation Officer – The submitted plans show the layout of the scheme. The realignment of the properties is welcomed with the public open space being positioned immediately behind the listed building.

The 1.5 storey buildings are also shown as being the closest to the front of the site, which should mean they do not have a detrimental impact on the setting of the listed building. It would have been useful for the applicant to have noted the height of the listed building as a comparison.

The proposal involves the demolition of No. 28 to provide access to the site. Simply stating that the property is not identified in the conservation area appraisal as contributing is not sufficient justification to comply with Policy ENV11.

Some attempt has been made to show how the proposal would not cause harm to the significance of the listed building or its setting. It would have been useful to see an indicative view to show the relationship between the existing street scene and the proposed built form to the rear.

In regards to the principle of development in this location, there is almost immediately to the south of the site a modern development around Silverley Way with No. 42 High Street being positioned to the rear of No. 34. The proposed built form does not project further back than existing properties to the rear of Silverley way and therefore this type of development is not out of character with the immediate surroundings of the application site.

Trees Officer – To achieve the width of the new driveway the proposal requires the removal of the remaining TPO Sycamore tree (T2) in the front garden, on the boundary with the adjacent property (subject to tree preservation order E/05/95).

The Council recently approved the removal of the TPO Sycamore tree (T1) near the front of No. 28 for arboricultural reasons. The approval was subject to a condition for replacement planting with 1 Beech tree in a suitable location in the front garden.

The proposal to create a very wide new front driveway leaves insufficient room for any significant tree planting. It is important that the 2 TPO trees are replaced with new trees that will recreate the important visual impact in the local landscape. The current layout does not allow space for planting of suitable specimen trees.

The indicative planting area shown is 1m wide and this is not sufficient for practical tree planting.

No objection to the layout of the 8 proposed dwellings. Would suggest that two areas of open space would be better allocated to each property to ensure the management responsibilities are clearly recognised.

Environmental Health – The plans leave an area of open space between the garden of the Plough and the proposed residential properties and this is beneficial in order to reduce the potential impact from noise etc.

It is advised that a close boarded fence between the access road to the site and the residential property at No. 30 due to the potential for noise impact from vehicles entering and exiting the site.

Due to the proximity of current residents to the site it is advised that construction times and deliveries during the construction and demolition phase are restricted and that a Construction Environmental Management Plan is submitted and agreed with the Local Planning Authority.

The findings of the Groundsure report dated 16 June 2017 are accepted. The site is at very low risk of land contamination and no further work is required. As this application is for a sensitive end use (residential) it is recommended that an unexpected contamination land condition is attached to any grant of permission.

Waste Strategy (ECDC) - Highways have stated in their response that they would not be prepared to adopt this roadway, as East Cambs District Council will not enter private property to collect waste or recycling it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers

in advance, the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

This may also lead to a large number of bins being left at the entrance on collection day which may have an impact on the visibility leaving the site.

Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles. This contribution is currently set at £43 per property.

CCC Growth & Development – No comments received.

Anglian Water Services Ltd - No Comments Received

5.2 Site notice posted, advertisement placed in the Cambridge Evening News and 32 neighbouring properties notified. The 16 responses received are summarised below. A full copy of the responses are available on the Council's website.

- Object to the development
- Site is outside development envelope and would be refused under the new ECDC Local Plan when published
- Speculative development that would set a precedent for other development outside the approved envelope
- Two-thirds of the site lies within the conservation area
- Cheveley primary school is full and cannot be extended
- Ashley Parish Council objects to the classification of the village as 'medium size' in the draft Local Plan
- Public transport is inadequate
- This backland development would dramatically disturb the rural feel and quiet enjoyment of neighbouring properties
- Density of 8 units vulnerable to increase once outline consent is given
- Arguments for sustainability and public benefit are not convincing
- Unlikely that car sharing for the school run will be practical
- No written strategy for foul or surface water
- Environmental survey omits the obvious badger sett in the roadside bank about 250m from the site
- Avenue of trees shown on the plans is inappropriate
- All consultations with neighbours and opinion of open meeting of Ashley Parish Council were against the proposal
- Plots 1 and 2 will overshadow the footpath
- Parking arrangements unsatisfactory
- Light pollution from street lighting
- Icknield Way extends the whole length of the northern boundary at this point
- Amendments do not remove objections
- Proposal is 'backfill' rather than 'infill' as allowed in the current village plan
- Will impinge on conservation area
- Sight lines for vehicles are restricted

- Development of this nature is not suitable for the size of Ashley
- Can the Council confirm the numbered separate dwelling situated within the Ashley parish boundary?
- Had been assured that ECDC would never allow backland development to take place
- Purpose of conservation area is to maintain the status quo as much as possible
- Heavy building vehicles will inevitably cause damage to The Old Plough (listed building)
- Will there be adequate access for emergency vehicles?
- Understand that there is a water main crossing the site. How can this be built on? There have been problems in the past from it
- Understand there was previously a cesspit on the site
- Not a sustainable development
- Loss of views from and impact on The Old Plough restaurant
- Contrary to policy to turn equestrian land into housing
- Against the wishes and needs of residents
- Threat of village being turned into a town without supporting infrastructure
- Surrounds all four sides of the Old Plough and affects privacy
- Increased traffic and traffic noise
- May cause damage to the listed building
- Subsidence is an issue. A small sinkhole has appeared next to The Old Plough. In addition surface water may be directed towards the building
- Soil waste etc will put pressure in waste system
- Where will construction traffic park? Flow of traffic non main road would be compromised and affect village and restaurant
- Layout fails to recognise the street character type and function
- Historical settings compromised along with local and national historic interest on the Icknield Way route
- The Old Plough was purchased as a small country restaurant with countryside setting an attraction. Whole ethos of the business would be compromised and would be more vulnerable from a security issue
- Impact on natural conservation and trees
- Some confusion over trees to be removed and where replacement trees have been planted
- Site is close to Hascombe & Valiant Stud land. Plots 1 to 4 are adjacent and any noise or disturbance will affect the animals
- Concerns regarding increased volume of traffic in the village – damaging to all neighbours, including Hascombe & Valiant Stud
- Site will distort the flow of traffic on the approach to an already hugely concerning set of junctions
- Objections are in line with representations made by Ashley Parish Council
- Unfair that owners of The Plough and other residents on High Street should have their right to peace and currently outlooks compromised
- Appreciate more houses needed but they need to be decided as part of a wider strategic and coherent plan at county level

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
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
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Ashley Conservation Area

Developer Contributions and Planning Obligations

Design Guide

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

Flood and Water

6.3 National Planning Policy Framework 2012

6 Delivering a wide choice of high quality homes

7 Requiring good design

11 Conserving and enhancing the natural environment

12 Conserving and enhancing the historic environment

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development, cultural heritage, visual amenity, residential amenity, drainage and flood risk, highway safety and ecology.

7.2 Principle of development

7.2.1 The existing dwelling at No. 28 and its associated curtilage is located within the established development framework for Ashley. The paddock land to the rear on which the proposed dwellings will be constructed lies outside the settlement boundary.

7.2.2 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable

development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

- 7.2.3 Policy GROWTH2 requires that development be permitted only within defined development envelopes provided and restricted in terms of dwellings to affordable housing exception schemes and dwellings essential for rural workers. However, dwellings can be considered as an exception provided there is no significant adverse effect on the character and appearance of the area and that other local Plan policies are satisfied.
- 7.2.4 Given the absence of the 5 year housing land supply, the boundary limitation placed by the settlement's development envelope would not apply with instead, the presumption in favour of sustainable development contained within both Policy GROWTH 5 of the Local Plan and paragraph 14 of the NPPF taking precedence in this respect.
- 7.2.5 Ashley is described as a small village in the 2015 Local Plan with facilities including a post office, church public hall, public house and a sports field. There is also reference to the fact that the village has close ties with Newmarket, which lies approximately 4 miles to the west of Ashley.
- 7.2.6 As the site lies within and adjacent to the established settlement boundary it is considered that future residents would be able to access the limited goods and services and public transport on offer in the village both on foot and by bicycle. However, it is acknowledged that given the rural nature of the village that residents would to a certain extent be reliant upon the private motor vehicle to access places of work and schools. The proposal therefore conflicts with Policy COM7 in this regard.
- 7.2.7 The Planning, Design & Access Statement submitted with the application refers to the site as comprising a single detached house and associated paddock. There is no evidence to suggest that the paddock land is in commercial use and no representations to this effect have been received. Policy EMP6 seeks to prevent development that is likely to have an adverse impact on the operational use of an existing site within the horse racing industry, or which would threaten the long term viability of the horse racing industry as a whole. The site appears to have been used on a domestic level for the keeping of horses and on this basis its loss is not considered to be contrary to Policy EMP6.
- 7.2.8 The proposal is effectively a form of backland development, which is not generally encouraged. However, this application is for a comprehensive development with its own access point. The proposal includes areas of open space to break up the built form and create a sense of community within the development. The East Cambridgeshire Design Guide SPD refers to the fact that backland development will only be acceptable if supported by a contextual analysis of the locality. There is evidence of development in depth close by with the modern development at Silverley Way. This proposal is therefore considered to be in keeping with the form and pattern of development in this part of Ashley.

- 7.2.9 The proposal does however include the provision of an additional 7 dwellings to the District's housing stock, taking into account the demolition of No. 28. The proposal is therefore considered to make a meaningful contribution towards the current housing shortfall and this attracts significant weight in the planning balance. The proposal would also offer some short and long term economic benefits in relation to the construction process and the purchase of local goods and services. This also attracts weight in favour of the proposal.
- 7.3 Cultural heritage and visual amenity
- 7.3.1 Cultural heritage encompasses a wide range of features, both visible and buried, including archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
- 7.3.2 The Historic Environment Team has commented on the proposal and does not object to development proceeding subject to a programme of archaeological investigation being carried out. This can be secured by planning condition.
- 7.3.3 Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 7.3.4 Policy ENV11 of the Local Plan seeks to ensure that development proposals preserve or enhance the character or appearance of conservation areas and policy ENV12 aims to prevent detrimental impacts on the visual, architectural or historic setting of listed buildings. Additionally, policy ENV12 specifically deals with development proposals affecting sites of known or potential archaeological interest. These Development Plan policies reflect the aim to protect heritage assets as defined by the NPPF (paragraph 17). Policy ENV1 requires development proposals to create a positive, complementary relationship with existing development and protect, conserve and where possible enhance the settlement edge and landscape features.
- 7.3.5 A large proportion of the site is located within the Ashley conservation area and The Old Plough, a grade II listed building adjoins part of the eastern boundary. The Conservation Officer has commented on the application and is satisfied that with layout and scale being determined at this stage that the impact of the proposal on the conservation area and listed building can be adequately assessed.
- 7.3.6 The layout of the scheme has been informed by the need to consider the view of the site as viewed from the access to The Old Plough. The dwellings have been located around a central spine road with two areas of open space alongside the eastern boundary. This allows views through the site from the Old Plough and means that the built form does not lead to a sense of enclosure in the area immediately surrounding the building. The plots in the eastern half of the site are 1.5 storeys in height and do not compete with the Old Plough when viewed from High Street. The proposal has been subject to pre-application advice discussions and initial proposals were for up to 12 dwellings on the site. The Local Planning

Authority considers that this would constitute over development of the site and the density of development would cause harm to the conservation area. It is considered that the development of eight dwellings is appropriate for this location and is representative of the lower density development on High Street and the higher density of Silverley Way.

7.3.7 In response to comments made by the Conservation Officer in relation to the demolition of No. 28, the applicant has submitted additional information that demonstrates that the existing building is of little architectural or historic interest and its demolition provides an opportunity to enhance the immediate setting of the listed building. The Conservation Officer concurs with this view and considers that the proposal will not result in substantial harm being caused to the heritage assets. The proposal is therefore considered to be in accordance with Policies ENV11 and ENV12.

7.3.8 The Conservation Officer has considered the distance between the access road and The Old Plough and is content that any vehicular or construction traffic passing the listed building would not cause any damage.

7.3.9 The development will be highly visible to users of the public right of way to the north as they travel in both directions and the Ashley Conservation Area Appraisal SPD refers to paddocks and open stables flanking the 'tree lined track'. The proposal will have an urbanising effect, bringing the built form closer to the right of way. However, there is a precedent for development in depth in this part of the village and the dwellings will sit against the back drop of the dwellings on Silverley Way. The scheme will need to be subject to a comprehensive landscaping scheme at reserved matters stage to ensure that it is assimilated into its surroundings as far as possible. It is acknowledged that the proposal will alter the character of the area, however, this is a modest development that, subject to sensitive design at reserved matters stage, can be accommodated into the landscape without having a significant and demonstrable adverse effect. Any minor adverse effects on the landscape that may be contrary to Policy ENV1 will need to be balanced against the benefits of the scheme.

7.4 Residential amenity

7.4.1 Policy ENV2 requires development proposals to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that future occupiers enjoy high standards of amenity. The detailed design and appearance of the proposed dwellings is a reserved matter, however, the layout submitted at this stage indicates that plot sizes accord with the Design Guide SPD and that sufficient amenity space will be provided. The proposed dwellings can be designed to ensure that there are no inter-visible windows to habitable rooms and future occupiers will enjoy a satisfactory level of amenity.

7.4.2 As stated above the proposal includes two areas of open space that adjoin the eastern boundary of the site. As well as acting as a buffer to the listed building they also separate the proposed dwellings from The Old Plough and No. 30 High Street. The outlook from the dwellings and restaurant on High Street will change as a result of the proposal, although this is not a material planning consideration, but the

new dwellings are set a sufficient distance from the existing buildings so as not to appear overbearing or cause any significant loss of light or privacy.

7.4.3 The access road will run alongside the boundary with The Old Plough and No. 30. It is likely that vehicle movements to and from the site will generate some noise and the Environmental Health team has recommended that a close boarded fence is constructed on the boundary to protect the amenity of adjacent occupiers. Environmental Health has also recommended conditions in relation to construction times and deliveries and the submission of a Construction Environmental Management Plan.

7.4.4 On balance it is considered that the proposal will not have a significantly detrimental effect on the residential amenity of nearby and future occupiers and it therefore complies with policy ENV2 in this regard.

7.5 Drainage and flood risk

7.5.1 The site is located within Flood Zone 1, where the majority of development should be directed. The site slopes from east to west and there are no watercourses in close proximity to the site. The site is classed as greenfield and a future developer will be required to maintain the existing run-off rate in relation to surface water.

7.5.2 A Flood Risk Assessment & Drainage Strategy has been submitted with this application, however, a detailed surface water drainage scheme will need to be put into place should development proceed. The site is recorded as being in an area with freely draining soils and it is possible therefore infiltration rates may allow the use of soakaways. On this basis it is considered acceptable to secure details of the surface water drainage strategy by condition and that the proposal complies with Policy ENV8 in this regard.

7.6 Highway safety

7.6.1 The Local Highway Authority has been consulted on the application and had no objections to the layout of the access road as originally proposed. It was noted however that the roadway would not be laid out to adoptable standard and that it could not be offered to the Local Highway Authority on this basis.

7.6.2 The ECDC Waste Strategy subsequently commented on the application stating that in the event that the access was not adopted, it would be the responsibility of owners/residents to take any sacks and/or bins to the public highway boundary on the relevant collection day. This would involve occupiers of Plots 4 and 5 having to move a wheeled bin or equivalent approximately 135m to the edge of the highway. The Waste Strategy team also raised the fact that this may also lead to a large number of bins being left at the entrance on collection day, which may have an impact on visibility.

7.6.3 The applicant has responded to these comments by amending the layout of the access in accordance with the requirements of the Local Highway Authority and a 5m wide carriageway with 1.8m footpath to either side is now proposed. This ensures that the access will be constructed to adoptable standard and can be offered to the Local Highway Authority.

- 7.6.4 The Local Highway Authority raises no concerns in relation to the type and nature of traffic that will be generated by the development and has confirmed that there is adequate visibility onto High Street.
- 7.6.5 There is sufficient space shown on the submitted layout for two parking spaces per dwelling to be provided plus space for visitors to park.
- 7.6.6 Subject to conditions in relation to the position of any access gates and the construction of the access onto High Street it is considered that the proposal complies with Policies COM7 and COM8 in respect of highway safety and parking provision.
- 7.7 Ecology
- 7.7.1 A Preliminary Ecological Appraisal has been submitted with the application. The buildings on the site have been inspected, searching for evidence of and potential to support roosting bats. The findings indicated that there may be a small and intermittently used roost in the roofspace of the dwelling. A bat survey was therefore commissioned and a separate report submitted. The survey confirmed the fact that the roofspace is being used as a bat roost and that a mitigation licence from Natural England must be obtained prior to the demolition of the building. To replace the features that will be lost the report recommends the creation of similar roosting features in the internal roof space of at least one of the dwellings and the installation of 'bat tiles', which can be secured by condition.
- 7.7.2 One pond within 500m of the site has been assessed for its potential to support Great Crested Newts. It received a below average score against the Habitat Suitability Index and on this basis the proposal is not considered to have an adverse effect on this protected species.
- 7.7.3 The Ecological Appraisal makes reference to the use of the site by nesting house sparrows and swallow and the woody scrub and hedgerow on the boundaries of the site offers potential to support nesting birds. The site does not have any other significant ecological value and the proposed development is likely to have no negative ecological impact. A biodiversity management plan can be secured by condition to ensure that future landscaping incorporates biodiversity areas, features and management. Subject to appropriate conditions it is considered that the proposal complies with Policy ENV7.
- 7.7.4 A Tree Survey and Arboricultural Impact Assessment has been submitted with the application and the Trees Officer has taken a close interest in the proposal. A tree preservation order is currently in place in respect of two Sycamore trees located within the front garden of No. 28. Consent has already been given for one of these trees to be felled due to the extent of the basal decay identified in the Arboricultural report. Consent was given subject to a condition requiring a replacement Beech tree in a suitable location in the front garden.
- 7.7.5 As stated above, changes made to the road layout have resulted in a carriageway that can be constructed to adoptable standard and this does not leave sufficient

room to plant the replacement tree. In addition, the construction of the access now necessitates the removal of the remaining Sycamore tree.

7.7.6 The Trees Officer has raised concerns that the scheme now results in the loss of two trees that had an important visual impact in the local landscape. The replacement trees could be planted within the areas of open space, however, they will not feature in the street scene in the same way and the Trees Officer does not consider this to be an adequate solution.

7.7.7 The applicant has offered to include some landscaping alongside the access road, however, this is likely to be low level structural planting and again, will not have the same impact as the feature trees. It has not therefore been possible to secure a layout that achieves a road constructed to adoptable standard and the replacement of the two protected trees in a prominent position adjacent to High Street. It is considered that there is sufficient room within the site to accommodate a number of feature trees and the site as a whole will be subject to a comprehensive landscaping scheme at reserved matters stage. However, it is acknowledged that the Trees Officer does not agree with this approach and that the proposal does not fully protect the existing landscape features on the site. The proposal therefore comes into conflict with Policy ENV1 in this regard and this attracts some weight against the proposal.

7.8 Other matters

7.8.1 The proprietors of The Old Plough have raised concerns regarding the impact of the proposal on their restaurant. As stated above, the scheme has been sensitively designed taking into account the location of the site in the conservation area and adjacent to a Grade II listed building. The area of open space on the eastern boundary ensures that there is no built form immediately adjacent to the restaurant, with the site boundary approximately 37 metres from the rear of the restaurant, and views directly through the site to the fields beyond will in part be maintained. There will be some traffic movements and associated noise and disturbance from future occupiers of the development but no evidence has been submitted to suggest that this will deter customers from frequenting the restaurant and the area immediately beyond the restaurant's garden is already in use as a car park. A condition can be imposed requiring a detailed lighting scheme to be submitted to minimise any light pollution from the scheme.

7.8.2 The local planning authority has received a representation from Hascombe & Valiant Studs Ltd, whose land lies to the north of the site, beyond the public footpath. Concerns have been raised that the use of the site for residential purposes may disturb animals being kept on this land. The full extent of the stud land is not known, however, there are already a number of residential dwellings and The Old Plough in close proximity to the site as well as the main highways that go through the village and onto Newmarket. There is unrestricted access to the public footpath, which from the representation received appears to directly adjoin the stud land, and animals would therefore already be exposed to some off-site activity. The proposal will urbanise the site and will result in increased levels of activity associated with residential dwellings, however, it is considered that such activity will not have a significantly detrimental effect on the operations of the stud and the proposal does not come into conflict with Policy EMP6 in this regard.

7.8.3 The applicant has explored the possibility of creating a new point of access to the public right of way through the site. The Rights of Way Team has pointed out that no pre-application advice on this proposal was sought and a number of planning conditions were suggested to facilitate any new access. The right of way is situated beyond the northern boundary of the site and the applicant has now confirmed that it is content to ensure that the footpath maintains a width of 2m along the boundary of the site and that no surfacing works are proposed to it. The applicant is prepared to accept a planning condition requiring a management plan to be put in place to detail how the footpath will be managed during the construction process. It is therefore considered that the footpath will not be compromised in any way by the proposal.

7.9 Planning balance

7.9.1 The proposal is for the demolition of an existing dwelling and the construction of eight dwellings. There is therefore a net gain of seven dwellings to add to the District's housing stock. As stated above, this attracts significant weight in favour of the proposal. The development would also bring short and long term economic benefits that also attract weight, albeit limited, in favour of the proposal. The site is currently of limited ecological value and the scheme provides an opportunity to incorporate a number of ecological and biodiversity enhancements and again, these carry some weight in favour.

7.9.2 It is acknowledged that given the rural nature of the District that there will be some reliance on the private motor vehicle, however, it is considered necessary to support small scale forms of development in the smaller villages in order to contribute to the economic and social elements of sustainability. Any conflict with Policy COM7 in relation to the promotion of sustainable forms of transport is in this case considered to carry very limited weight against the proposal.

7.9.3 The development will have an impact on the character of the area, however, it is considered that subject to a sensitive design that the layout minimises the impact. Given that the dwellings will be viewed against the back drop of the development in depth at Silverley Way, it is considered that the proposal will not result in significant and demonstrable harm to the visual amenity of the area and any minor adverse impacts attract little weight. The loss of two protected trees at the front of the site also attracts weight against the proposal.

7.9.4 The applicant has however demonstrated that the proposal will not cause substantial harm to the Ashley conservation area or the setting of the adjacent listed building and that matters in relation to residential amenity, drainage and flood risk and highway safety can be addressed. On balance therefore it is considered that there are no significant adverse effects that would outweigh the benefits of the proposal. The application is therefore recommended for approval.

8.0 APPENDICES

8.1 Appendix 1 – draft planning conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/01171/OUT	Julie Barrow Room No. 011	Julie Barrow Senior Planning Officer
13/00668/TPO 17/00910/TPO	The Grange Ely	01353 665555 julie.barrow@eastca mbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

Appendix 1 – Draft Planning Conditions

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

Plan Reference	Version No	Date Received
DR_A_001	PA1	30th June 2017
JW-1004ASH		30th June 2017
1202-003	D	15th August 2017
1202-007	B	15th August 2017
DR_A_1000	PA5	15th August 2017
DR_A_1001	PA5	15th August 2017
DR_A_1002	PA5	15th August 2017
6055-D		30th June 2017
TREE SURVEY		30th June 2017

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance and landscaping (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 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.
- 4 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.
- 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.
- 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.
- 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 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 access.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 The access shall be constructed in accordance with the details shown on Drawing Nos. 1202-003 Rev D and 1202-007 Rev B with the exception of the pedestrian crossing, which shall be located at the top of the ramp. The access shall thereafter be retained in perpetuity in this form.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 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.
- 9 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015.
- 10 Within any reserved matters application for landscaping details pursuant to this approval, the details required by condition 2 shall include details of the two replacement trees for the two Sycamore trees felled (TPO E/05/95).
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 11 Prior to commencement of development details of the proposed boundary treatments, including those on the access road between The Old Plough and No. 30 High Street shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed prior to first occupation and retained as such in perpetuity.
- 11 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.
- 12 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00 - 18:00 each day Monday-Friday, 08:00 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 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.
- 13 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.
- 14 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 14 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.

- 15 Prior to or as part of the first reserved matters application, 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.
- 15 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 16 The development shall be carried out in accordance with the Conclusions of the Preliminary Ecological Appraisal Report dated June 2017 prepared by Denny Ecology and the Bat Survey dated August 2017 prepared by Denny Ecology.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to the commencement of development, an access scheme shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include provision for:
- i. the design of public rights of way routes and their surfacing, widths, gradients, landscaping and structures
 - ii. any proposals for diversion and closure of public rights of way and alternative route provision
- The works shall be carried out in accordance with the approved details prior to first occupation.
- 17 Reason: In the interests of amenity and safety of the public and to protect existing rights of way in accordance with policy COM7 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.
- 18 Prior to the commencement of development, the definitive line of the public right of way shall be marked out on site and agreed in writing with the Local Planning Authority.
- 18 Reason: In the interests of amenity and safety of the public and to protect existing rights of way in accordance with policy COM7 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.
- 19 Prior to first occupation a scheme for the laying out and future management and maintenance of the open space shall be submitted to and agreed in writing by the Local Planning Authority. The open space shall thereafter be maintained in accordance with the agreed scheme.
- The scheme shall include the following:
- i) methods for the proposed maintenance regime; and
 - ii) details of who will be responsible for the continuing implementation.
- 19 Reason: To ensure the longevity of the open space scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.