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**MAIN CASE**

**Reference No:** 14/01370/OUT

**Proposal:** Erection of four dwellings and associated works.

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

**Applicant:** Mr & Mrs Fletcher

**Case Officer:** Richard West Planning Officer

**Parish:** Little Thetford

**Ward:** Stretham

**Ward Councillors:** Councillor Bill Hunt  
Councillor Charles Roberts

**Date Received:** 12 December 2014      **Expiry Date:**

**[P245]**

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**1.0      RECOMMENDATION**

**1.1**      Members are requested to REFUSE the application for the following reasons:

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

verdant character of the southern side of Holt Fen as it is not visible unless directly adjacent to the access.

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

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

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

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

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

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

5. The proposed site is adjacent to the countryside, has a drain running along the southern boundary of the site, comprises many mature trees and is overgrown and lain vacant for approximately two years. Given the characteristics of the site there is potential for the presence of protected species; especially the presence of bats using the site for foraging. It is considered that insufficient information has been provided to assess the impact on protected species and therefore the proposed development does not meet the requirements of policies EN6 of the

## 2.0 SUMMARY OF APPLICATION

2.1 This application seeks outline planning permission for the erection of four dwellings and associated works. The application form indicates there will be 2no three bedroom open market dwellings and 2no four bedroom open market dwellings. All matters are to be reserved.

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

## 3.0 PLANNING HISTORY

3.1

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

## 4.0 THE SITE AND ITS ENVIRONMENT

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

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

4.3 The application site is triangular in shape with mature trees and a drain along the southern boundary and a mature hedgerow along the northern boundary. The site was last used as a scaffolding yard and comprises of stores, portable buildings and hardstanding. The existing access is in the north east corner of the site.

## 5.0 RESPONSES FROM CONSULTEES

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

Waste Strategy (ECDC) – no objection subject to informatives

CCC Highways – no objection subject to informatives

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

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

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

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

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

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

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

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

## 6.0 The Planning Policy Context

- 6.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS2	Housing
CS4	Employment
CS7	Infrastructure
H4	Affordable housing exceptions

EC1 Retention of employment sites  
 S4 Developer contribution  
 S6 Transport impact  
 EN1 Landscape and settlement character  
 EN2 Design  
 EN6 Biodiversity and geology  
 EN7 Flood risk  
 EN8 Pollution

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

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

## 6.3 Supplementary Planning Documents

Design Guide  
 Developer Contributions and Planning Obligations

## 6.4 National Planning Policy Framework 2012

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

## 6.5 Planning Practice Guidance

## 7.0 PLANNING COMMENTS

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

Principle of Development

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

Location of new residential development

7.3 The application site is located to the south east of Little Thetford, outside the development envelope, as defined in both the Core Strategy and Draft Local Plan.

Policies CS1 of the Core Strategy and GROWTH2 of the Local Plan strictly control development outside of development envelopes with some exceptions as listed in the policies. The proposed development does not meet any of the exceptions and therefore is contrary to policy.

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

#### Loss of employment land

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

- 7.8 It is considered that the use of the site and vehicular trips associated with the site are not detrimental to the amenity of the village and therefore the material benefits associated with the redevelopment of the site to residential are not considered to outweigh the contravention of policy.

#### Landscape and settlement character

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

#### Layout

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

- 7.14 The application site measures approximately 2,460 sq m. The application site includes an access to each dwelling but it is considered that the dwellings will have ample space to provide sufficient levels of car parking and amenity space in accordance with advice in the Council's Design Guide SPD.
- 7.15 It is considered that the location and layout of the dwellings has been dictated by the irregular shape of the site and an attempt to introduce too many dwellings and would result in a development comprising buildings that do not relate sympathetically to the surrounding area or each other. It is recognised that the submitted plan is indicative however it fails to demonstrate that a suitable layout can be provided for the number of dwellings proposed on the application site.

#### Amenity

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

#### Ecology

- 7.18 The proposed site is adjacent to the countryside, has a drain running along the southern boundary of the site, comprises many mature trees and is overgrown and lain vacant for approximately two years. Given the characteristics of the site there is potential for the presence of protected species; especially the presence of bats using the site for foraging. A Phase 1 Ecology report was not submitted with the application nor requested by the Local Planning Authority as the application was to be recommended for refusal. Policies EN6 of the Core Strategy and ENV7 of the Draft Local Plan require an ecological report to be submitted where it is suspected that there could be an impact on protected species that needs to be adequately mitigated for. It is considered that insufficient information has been provided to assess the impact on protected species and therefore the proposed development



does not meet the requirements of policies EN6 of the Core Strategy and ENV7 of the Draft Local Plan or the requirements of Natural England's standing advice. If the Planning Committee are minded to approve the application then it should be deferred until an appropriate ecological report has been submitted.

#### Flood risk and drainage

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

#### Highway safety

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

#### Conclusion

- 7.21 The application site is located outside of the development envelope of Little Thetford where development is strictly controlled. The dwellings would not meet any of the rural exceptions and it is considered there is an in-principle objection in accordance with policies CS1 of the Core Strategy and GROWTH2 of the Draft Local Plan
- 7.22 The redevelopment of the site would result in the loss of employment land. It is not considered that the material benefits of the change of use would outweigh the contravention to policies EC1 of the Core Strategy and EMP1 of the Draft Local Plan.
- 7.23 The introduction of 4no dwellings on the southern side of Holt Fen Common would have an urbanising impact that would be contrary to the undeveloped and verdant character of the area which is contrary to policies EN1 of the Core Strategy and ENV1 of the Draft Local Plan.

- 7.24 Although indicative, the submitted plan has failed to demonstrate a suitable layout can be achieved. The layout would result in overlooking issues between the dwellings, would appear contrived and uncoordinated when viewed from Holt Fen and does not provide the most suitable layout to provide a high level of amenity without reliance on mechanical ventilation. The development is considered contrary to policies EN2 of the Core Strategy and ENV2 of the Draft Local Plan.
- 7.25 Due to the characteristics of the site it is considered there is potential for the presence of protected species. No ecological report has been submitted with the application and therefore it is considered contrary to policies EN6 of the Core Strategy and ENV7 of the Draft Local Plan.
- 7.26 The impact of the proposed development on flood risk and drainage and highway safety has been assessed and it is considered acceptable. However, for the above reasons it considered that this application should be refused.

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
14/01370/OUT case file	Richard West Room No. 011 The Grange Ely	Richard West Planning Officer 01353 665555 richard.west@eastcambs.gov.uk