



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone 01353 665555

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: **Wednesday 2nd August 2023**

VENUE: Council Chamber, The Grange, Nutholt Lane, Ely CB7 4EE

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

TELEPHONE: (01353) 665555 EMAIL: caroline.evans@eastcambs.gov.uk

MEMBERSHIP:

Conservative Members

Cllr Christine Ambrose Smith
Cllr David Brown (Vice Chairman)
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Bill Hunt (Chairman)
Cllr James Lay

Substitutes:

Cllr Keith Horgan
Cllr Julia Huffer
Cllr Alan Sharp

Lead Officer

Simon Ellis, Planning Manager

Quorum: 5 Members

Liberal Democrat Members

Cllr Chika Akinwale
Cllr Kathrin Holtzmann
Cllr John Trapp
Cllr Christine Whelan
Cllr Gareth Wilson (Lead Member)

Substitutes:

Cllr Christine Colbert
Cllr Lorna Dupré
Cllr Mary Wade

**PLANNING COMMITTEE MEMBERS TO MEET IN RECEPTION AT
THE GRANGE AT 9:45AM FOR SITE VISITS**

AGENDA

- 1. Apologies and Substitutions** [oral]
- 2. Declarations of Interest** [oral]
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct.

3. Minutes

To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 21st June 2023.

4. Chairman's Announcements

[oral]

5. Ref: 22/00420/RMM

Reserved matters comprising layout, scale, appearance and landscaping for 143 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure for Phase 1 (Housing) pursuant to outline planning permission 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

Location: Phase 1 Millstone Park, Land Adjacent To Melton Farm, Newmarket Road, Burwell

Applicant: Vistry East Midlands

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9VF62GGN3O00>

6. Ref: 22/00479/RMM

Reserved matters for Layout, Scale, Appearance and Landscaping for Phase 2A for 138 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

Location: Phase 2A Millstone Park, Land Adjacent To Melton Farm, Newmarket Road, Burwell

Applicant: Vistry East Midlands

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RAN6UWGGFUW00>

7. Ref: 22/00545/FUL

Construction of a single storey 4 bed detached dwelling

Location: Crow Hall Farm, Site North Of 20 Northfield Road, Soham

Applicant: Mr Alan White

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RBBAC0GGGAO00>

8. Ref: 22/01229/FUL

Erection of 2 detached four bedroom dwellings with car ports, off-street parking and associated landscaping

Location: Site To The East Of 38A Chapel Lane, Wicken

Applicant: James Development Company Limited

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RK22ORGGMJD00>

9. Ref: 23/00483/FUL

Erection of outbuilding and associated works - retrospective

Location: 135 The Butts, Soham, CB7 5AW

Applicant: Mrs E Gabriel

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RTF5R8GGKFA00>

10. Planning Performance Reports:

- a) May 2023
- b) June 2023

NOTES:

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several free public car parks close by: <https://www.eastcambs.gov.uk/parking/car-parks-ely> The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints this will normally give a capacity for public attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a “first come, first served” basis.
2. The meeting will also be livestreamed on youtube for public viewing. The link will be available from the meeting webpage in advance of the meeting: <https://www.eastcambs.gov.uk/meetings/planning-committee-020823> Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.
3. The Council has a scheme to allow public speaking at Planning Committee. If you wish to speak on an application being considered at the Planning Committee please contact Caroline Evans, Democratic Services Officer for the Planning Committee caroline.evans@eastcambs.gov.uk, to register by 10am on Tuesday 1st August. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:
 - Objectors
 - Applicant/agent or supporters
 - Local Parish/Town Council
 - National/Statutory Bodies

A leaflet with further information about the public speaking scheme is available at <https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee>

4. The Council has adopted a ‘Purge on Plastics’ strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
5. Fire instructions for meetings:
 - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not attempt to use the lifts.
 - The fire assembly point is in the front staff car park by the exit barrier.
 - The building has an auto-call system to the fire services so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out.

6. Reports are attached for each agenda item unless marked “oral”.
7. If required, all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
8. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”



East Cambridgeshire District Council

Minutes of a Meeting of the Planning Committee held at
The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm
on Wednesday 21st June 2023

PRESENT

Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr David Brown (Vice-Chairman)
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Julia Huffer (substitute for Cllr James Lay)
Cllr Bill Hunt (Chairman)
Cllr John Trapp
Cllr Christine Whelan
Cllr Gareth Wilson

OFFICERS

Maggie Camp – Director Legal Services
Holly Chapman – Senior Planning Officer
Caroline Evans – Senior Democratic Services Officer
Simon Ellis – Planning Manager
Catherine Looper – Planning Team Leader
Angela Tyrrell – Senior Legal Assistant

IN ATTENDANCE

Adam Davies (Applicant's Agent, Agenda Item 5 / Minute 7)
Warren Holmes-Chatfield (Applicant, Agenda Item 5 / Minute 7)
Shane Luck (Cambridgeshire County Council Principal Highway
Development Management Engineer, Agenda Item 5 / Minute 7)
Jamie Palmer (Applicant's Agent, Agenda Item 6 / Minute 8)

Lucy Flintham – Office Team Leader, Development Services
Melanie Wright – Communications Officer

3. CHAIRMAN'S ANNOUNCEMENTS

(Taken as the first item, out of the published Agenda order.)

The Chairman made the following announcements:

- All Committee members were welcomed, in particular those who were new to the Council and to the Committee.
- Councillors were reminded that the cost to the Council of determining an application called-in to committee, rather than *via* delegation to Officers, was

very high. The mechanism provided an essential safeguard but Councillors were asked to use the privilege sparingly.

- The committee's functions on the day of a meeting started when Members boarded the minibus for site visits, they were therefore required to declare any interests at that point as well as in the meeting itself.
- Any additional information for consideration by the committee needed to be submitted at least 48h before the meeting and all public speakers were required to register by 10am the day before the meeting. Although Councillors were not subject to the same time restriction for speaker registration, it was not productive to provide statements at a late stage and all Councillors were encouraged to speak to Planning Officers as far in advance of the meeting as possible.

4. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs Kathrin Holtzmann and James Lay.

Cllr Julia Huffer was attending as a substitute for Cllr Lay.

5. DECLARATIONS OF INTEREST

Regarding Agenda Item 6 (23/00376/FUL, 10 Dexter Lane, Littleport), Cllr Christine Ambrose Smith stated that she had spoken in support of the related previous application for the site, and had called the item in for determination by the committee because the prior application had been considered by the committee. After addressing the committee, she would leave the meeting for the remainder of the item.

6. MINUTES

The Committee received the Minutes of the meetings held on 5th April 2023, 26th April 2023 and 25th May 2023.

It was resolved unanimously:

That the Minutes of the Planning Committee meetings held on 5th April 2023, 26th April 2023 and 25th May 2023 be confirmed as a correct record and be signed by the Chairman.

7. 22/00827/FUM – BARCHAM TREES PLC, EYE HILL DROVE, SOHAM, CB7 5XF

Catherine Looper, Planning Team Leader, presented a report (Y12, previously circulated) recommending approval of an application seeking consent for the change of use of a former engineering workshop to create a visitor centre with a café, restaurant and retail facilities to be associated with opening the existing arboretum (granted under 19/00658/FUM) for public access, together with car parking, access arrangements, and improvements to the junction between Eye Hill Drive and the A142.

Members were shown a location plan and aerial image illustrating the site's position adjacent to the A142 and accessed *via* Eye Hill Drive. A site layout plan was also provided. The wording of the previously-circulated revised recommendation was

read aloud and all Members confirmed that they had received it in advance of the meeting.

The main considerations for the application were deemed to be:

- **Principle of development** – the proposal would expand an existing business using an engineering workshop that had ceased to operate. This would provide continued employment and could increase visitors to the area without affecting the viability of either Ely or Soham. The proposed development was therefore considered to comply with the aims of the NPPF and with policies EMP1, EMP2, EMP4 and EMP7 of the Local Plan 2015.
- **Visual amenity** – an existing building would be converted and extended using a high-quality design with a good palette of materials. The front dimensions of the building would be retained, with extensions to the rear and sides. The site appearance would be improved due to the materials used, the clearance of rubbish, and the proposed landscaping. The construction of an arboretum had been approved in 2019 and the landscaping and planting was underway. Widening of Eye Hill Drive had been considered acceptable in visual terms under approved application 17/01128/FUM and would be less extensive under the proposed plans due to the proposed access point being closer to the A142. Replacement hedging could be required by condition. The proposed development was therefore considered to comply with the NPPF and policies ENV1 and ENV2 of the Local Plan 2015.
- **Residential amenity** – the proposed development was not considered to create overbearing, overlooking or overshadowing. It was acknowledged that the character of Eye Hill Drive would be likely to change and there would be a certain level of noise and disturbance from traffic movements and users of the visitor centre. However, consideration of the existing site use was necessary, and the proposal would have a smaller floorspace than the previously-approved plans, as well as a reduction in the required roadworks on Eye Hill Drive. On balance, and subject to appropriate conditions including the submission of a Construction Environmental Management Plan, the proposed development was considered to comply with the NPPF and policy ENV2 of the Local Plan 2015 and would not have a significantly detrimental impact on residential amenity.
- **Highways** – improvements would include widening Eye Hill Drive from the A142 to the site access, upgrading the A142/Eye Hill Drive junction, provision of a pedestrian island crossing, new and extended footpaths and a new bus lay-by. The Barway junction would also be improved. The works aligned with the previously-approved scheme and were therefore considered acceptable by the Local Highways Authority. The Cambridgeshire County Council Transport Assessment Team had also supplied no further comments since the plans had been approved for the previous, larger, visitor centre proposal. Parking provision for cars, motorcycles and pedal cycles was supported by a Transport Assessment and was considered to be sufficient.
- **Ecology** – Preliminary Ecology Appraisals had been submitted and included a number of recommendations for avoidance, mitigation and enhancement measures. Implementation of the proposed measures would mitigate all significant impacts. Substantial enhancements for a range of protected species were anticipated and the previously-approved arboretum would result in significant environmental benefits including the creation of new

habitats and the planting of approximately 2000 trees. On-site biodiversity enhancements could be secured by condition.

- **Flood risk and drainage** – a small section of the site was within Flood Zones 2 and 3, but within areas benefitting from flood defences. The sequential test was passed by virtue of there being no alternative sites for the development due to its necessity to locate it next to the existing business. The layout of the development had been designed to avoid, where possible, areas known to be at risk of flooding. Following an amendment to reposition overflow parking, there were no objections from the Environment Agency, the Lead Local Flood Authority, Anglian Water or the Internal Drainage Board.
- **Other matters** – sustainability measure would be dealt with by way of condition. Approval of the proposal would require a Unilateral Undertaking to revoke the previous visitor centre permission.

In summary, all statutory consultees were satisfied and all aspects of the proposal were considered to be acceptable. The application was therefore recommended for approval subject to the signing of the Unilateral Undertaking.

The Chairman invited the applicant and their agent to address the committee. Warren Holmes-Chatfield (from Barcham Trees, the applicant) thanked the Planning Team Leader for her comprehensive report and her assistance throughout the application process. He informed Members that Adam Davies, Barcham Trees' Planning Consultant, would be available to answer any technical queries. He outlined Barcham Trees' position as a well-established local business employing 75 full-time staff and 25 additional staff during busy periods. It was a leading horticultural business in Europe, specialising in trees, and holding two royal warrants. Planning permission had been granted in 2018 for an arboretum and large visitor centre and work had since taken place on the layout of the arboretum, including the planting of over 5000 trees and hedging plants. Since the granting of that planning permission, the company had been able to purchase the site that was the subject of the current application, and they considered that it would be preferable to convert the existing on-site building and utilise the improved access point, rather than build the previously-approved visitor centre. They anticipated the creation of 35-40 jobs and believed that the project would bring visitors to the area. It was a unique project that would showcase the importance of trees. The arboretum was intended as a legacy of value to the local community, the environment and the local area.

Responding to Cllr Huffer's query regarding the lack of parking provision for coaches, the agent explained that, following discussion with the Local Highways Authority, coaches would be by appointment only and would use the existing rear access to the Barcham site. Cllr Ambrose Smith stressed her familiarity with the location and the difficulties that could be experienced when exiting from Eye Hill Drove onto the A142. She asked whether they were confident that traffic would not back up to the site entrance at busy times. The agent reminded Members that a detailed Transport Assessment had been completed and the applicants had worked closely with the Highways Team. It was not anticipated that there would be peaks of vehicles leaving the site at any one time. The junction improvement works, also forming part of the previously-approved application, were considered to be a significant benefit of the project.

The applicant informed Cllr Wilson that the building had previously been occupied by an engineering business which had closed approximately 2 years earlier having sold all of its machinery: the building was now empty. He also confirmed to Cllr Akinwale that there would be electric car charging points within the car park. Cllr Brown drew attention to the Design Out Crime Officers' comments in the report encouraging the applicant to submit a "Secured by Design" application, and questioned whether they intended to do so. The agent explained that they would consult the police as part of the detailed design and fittings and would ensure that the site was secure and did not attract criminal activity. Cllr Trapp asked for evidence that there would be sufficient interest, given the two existing garden centres in nearby Fordham. The applicant explained that the Barcham Trees offering would be very different and focused on the 16-acre arboretum that would enable visitors to see trees at different stages of maturity. The business sold their own produce, not products from overseas, and there would also be an educational element rather than a sole focus on retail.

At the request of the Chairman, the Senior Democratic Services Officer read aloud a statement from a Ward Councillor, Cllr Keith Horgan. The statement detailed his concerns about the ability of Eye Hill Drove to safely handle traffic volumes at busy periods and requested conditions to address those concerns. In particular, he considered that the widened section of Eye Hill Drove should extend at least 200m from the A142 junction, past the entrance to the development, in order to prevent the single-track section being blocked at busy periods by vehicles entering or leaving the new development in convoy. Additionally, he requested that a yellow box junction be painted on the road outside the entrance to keep the junction clear and ensure emergency access at all times, and traffic lights be added to the A142/Eye Hill Drove junction to ensure safe passage onto the busy A142.

Responding to the statement, the Planning Team Leader explained that some of the suggestions would be subject to traffic regulation orders that were outside the planning process, and any of the suggestions would need a full analysis and consultation. She also reminded Members that the previously-approved application had included the highways improvements and they had been assessed again for the current application with no objections being raised. With the agreement of the Chairman, she invited Shane Luck (Cambridgeshire County Council Principal Highway Development Management Engineer) to provide further information. He explained that the application had been fully reviewed and there were no concerns on highway safety grounds. The A142 works had been previously permitted for a larger development and the Eye Hill Drove proposals differed from the approved scheme due to the access point being in a different location. The proposals had been refined during the course of the application and were considered to be safe. Some of the mitigations suggested by Cllr Horgan could not be conditioned and he advised that signalised junctions were installed on capacity grounds rather than safety grounds, and could introduce safety issues on high speed roads.

Mr Luck confirmed to Cllr Hunt that he was content with the scheme and it could be approved from a highways perspective. Cllr Goodearl asked for details of the pedestrian island and was informed that it would be uncontrolled. Mr Luck further explained how controlled crossings in such locations were more dangerous than uncontrolled crossings.

Cllr Trapp asked about the potential for a roundabout at the A142 junction instead and requested further information about Cllr Horgan's assertion that the widening of Eye Hill Drive would not reach the site access point. Mr Luck explained the land-intensive nature of roundabouts and that they worked best when there was a balanced traffic flow from each junction, which would not be the case at the A142/Eye Hill Drive junction. Regarding the widening of Eye Hill Drive, Mr Luck clarified that the position of a veteran oak tree in the hedge meant that the widened section of road would narrow at the entrance to the site. In the previously-approved application, the tree would have been removed and replacement trees planted.

The Chairman then opened the debate. Cllr Huffer stated that she considered the application to be an excellent development and she therefore proposed that the Officer's revised recommendation be accepted. Cllr Hunt seconded the proposal. Cllrs Ambrose Smith and Wilson also spoke in support of the application and welcomed the new jobs that would be created as well as the future education provision.

Cllr Trapp stated his support for the concept but he had concerns regarding the access from Eye Hill Drive onto the A142, particularly for vehicles turning towards Ely. Cllr Whelan echoed those concerns.

It was resolved with 8 votes in favour, 0 votes against, and 2 abstentions:

That planning application ref 22/00827/FUM be APPROVED subject to the signing of an agreed Unilateral Undertaking confirming that the previous planning permission 17/01128/FUM would not be implemented; delegated authority to the Director Legal to agree the terms; and subject to the recommended conditions detailed in Appendix 1 of the Officer's report.

8. 23/00376/FUL – 10 DEXTER LANE, LITTLEPORT

Holly Chapman, Senior Planning Officer, presented a report (Y13, previously circulated) recommending refusal of an application seeking retrospective permission for a 1.2m fence and gates along the front boundary of the application site, adjacent to the highway. She reminded Members that the fence they had viewed in the morning's site visits had been considered at the March 2023 Planning Committee meeting and had been refused. The new application sought to retain the 1.2m high section and reduce the taller section to 1.2m throughout.

Members were shown an aerial view of the site's location within Littleport and various site photographs illustrating the fence and its wider surroundings. They were reminded that permitted development rights, such as for 1m boundary treatments, were established at the national level and represented a less prescriptive approach to development when compared to planning applications. However, they provided no guarantee of high-quality development.

The main considerations for the application were deemed to be:

- **Impact on the character of the street scene** – the fence was considered to be an alien feature within the street-scene and resulted in visual harm by enclosing the application site and eroding the open character of the cluster of dwellings in the immediate vicinity and in the wider area. The proposed

development was therefore considered to be contrary to the objectives of the NPPF and policies ENV1 and ENV2 of the Local Plan 2015.

- **Other matters** – the application was considered to comply with all relevant policies relating to residential amenity, trees, and highway safety and parking.

In summary, the fence and gates as seen on site had previously been refused permission and it was not considered that the proposed revisions would address the concerns regarding visual impact. The application was therefore recommended for refusal.

On the invitation of the Chairman, Jamie Palmer addressed the committee in his role as the applicant's agent. He explained that the property had been purchased from the builders during lockdown and the new owners had been assured by them that no permission would be required for a fence. After completion of the house purchase, they had installed a boundary fence for the safety of their children and pets, and had subsequently received an enforcement letter from the District Council advising them of the need to reduce the height to 1m or apply for retrospective permission. He had been contacted at this point to assist them with the application. In March 2023 their application for retrospective permission for approximately 5m length at 1.8m height and the remainder at 1.2m height was refused despite there being taller boundary treatments on some older sections of Dexter Lane. The new proposal sought to reduce the entire front section to a 1.2m height in line with the gates, and to add soft landscaping behind. As explained in the Officer's report, a 1m tall fence would be allowed under permitted development rights. He therefore asked Members to consider whether an additional 20cm was sufficient to justify refusal.

In response to questions from Cllrs Akinwale and Trapp, the agent confirmed that the applicant had a young child and the purpose of the fence was security for the child and for pets. Cllr Trapp also challenged the agent's assertions regarding existing tall fencing nearby. The agent clarified that he was referring to the walls on the older section of Dexter Lane; they were adjacent to the highway and therefore his client's fence adjacent to the highway would not be an alien feature. Cllr Trapp argued that the walls were to the rear of properties and that the frontages were open on the other side of the road. Cllr Huffer questioned why the agent had not advised his client to simply reduce the height to the permitted 1m. The agent explained that the 1.2m height of the gate, together with its mechanism, and the fence rails positioned for a 1.2m height, meant that reducing the overall height by 1.2m would not be straightforward and would be costly.

Cllr Ambrose Smith was then invited to address the committee as a Ward Councillor for the application. She reiterated that the applicants had purchased the property under the impression that the fence could be installed. Former Cllr David Ambrose Smith had called in the first application for consideration by the committee in March and, since he had not stood for re-election, she had called in this second application since she considered that the 20cm reduction would be very difficult to achieve with the existing gate. The owners required the fence for the restraint of pets and children and she urged the committee to be generous in their consideration of the application.

Cllr Hunt questioned what Cllr Ambrose Smith's view would be of a different property installing a fence a little higher, and another a little higher again, and so on. Cllr Ambrose Smith highlighted that along Dexter Lane there were already tall walls to the rear of some properties, and added that three of the neighbouring properties had objected to the fence and would therefore be unlikely to install their own. Cllr Trapp suggested that the applicants could install a fence in line with their house, which would both retain the open frontage and provide greater security by being taller. Cllr Ambrose Smith reiterated that she did not consider the fence in its current position to be intrusive.

3:12pm Cllr Ambrose Smith left the meeting for the remainder of the item.

Addressing points raised by the public speakers, the Senior Planning Officer acknowledged that the applicant appeared to have been poorly advised regarding future fencing when purchasing the property, but reminded Members of the restrictions set by national government. The decision to be reached concerned a 1.2m high fence; her professional opinion was that a 1m high fence at that location would also be inappropriate, but she accepted that it would be allowed under permitted development rights. The taller boundary treatments elsewhere in Dexter Lane were to the rear of properties, rather than the front.

Cllr Huffer asked for, and received, confirmation that the applicants could remove 20cm from the existing 1.2m fence and that would be allowed with no further planning applications required.

The Chairman then opened the debate. Cllr Brown commented that, as at the March 2023 meeting, he would abstain since he considered this to be a subjective matter.

Cllr Whelan queried why the fence height varied along its length and, with the Chairman's permission, the Senior Planning Officer explained common reasoning for stepped height fencing but reminded Members that the application was for a single height throughout.

Cllr Hunt considered that the boundary fence detracted from the attractive open nature of the cul-de-sac and proposed that the Officer's recommendation for refusal be accepted. Cllr Trapp seconded the proposal and reiterated that other nearby properties had set their fences back against their house which was both safer and more attractive. He drew attention to the comments received from neighbouring residents and highlighted the overall open nature of Dexter Lane whilst acknowledging the difficult situation apparently caused by the applicant having received incorrect advice at the point of purchase.

Cllr Huffer also empathised with the applicant's position but reminded the committee that, in determining any applications, they were required to consider only the application rather than the individual. Legislation clearly stated that the maximum height of fencing at the highway was 1m and therefore the retrospective proposal for a taller fence could not be supported. She stressed the importance of consistency throughout the District.

It was resolved with 7 votes in favour, 0 votes against and 2 abstentions:

That planning application ref 23/00376/FUL be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.

3:23pm Cllr Ambrose Smith returned to the meeting.

9. PLANNING PERFORMANCE REPORT – APRIL 2023

Simon Ellis, Planning Manager, presented a report (Y14, previously circulated) summarising the performance of the Planning Department in April 2023. He explained to new Members the various categories of data presented and highlighted the department's overall success in meeting or exceeding its targets.

Cllr Hunt asked that the relevant Parish Council(s) be kept fully informed of any Grunty Fen applications or appeals. Specifically, he highlighted a forthcoming appeal hearing regarding the land at Pools Road, Wilburton, which would more directly affect Witchford despite technically being within the parish of Wilburton.

It was resolved unanimously:

That the Planning Performance Report for April 2023 be noted.

10. EXEMPT MINUTES

The Committee received the exempt Minutes of the meeting held on 26th April 2023. The Chairman explained that if any Members wished to comment on the Minutes then it would be necessary to move into exempt session; there were no comments.

It was resolved unanimously:

That the exempt Minutes of the Planning Committee meeting held on 26th April 2023 be confirmed as a correct record and be signed by the Chairman.

The meeting concluded at 3:31pm.

Chairman.....

Date.....

22/00420/RMM

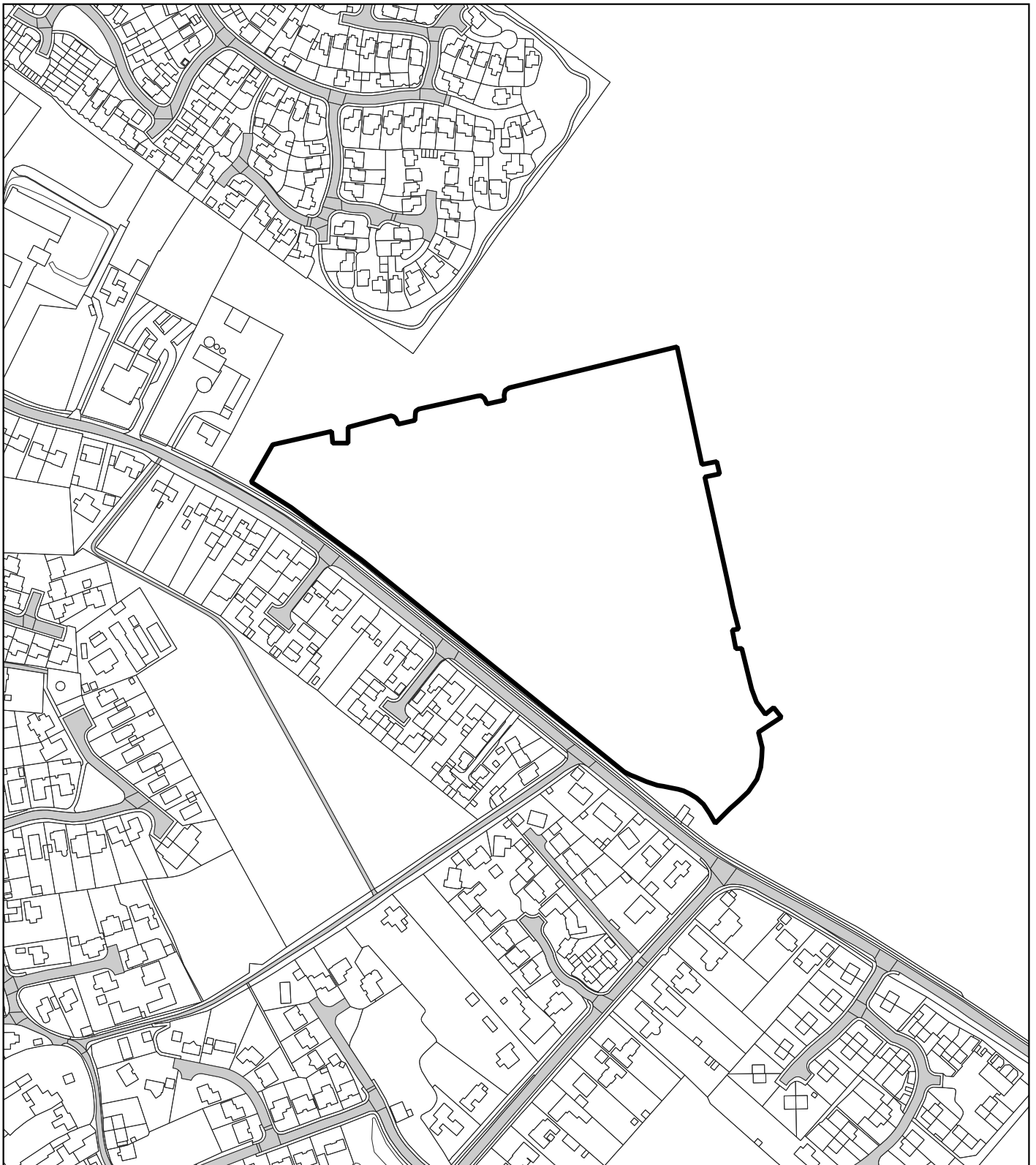
Phase 1 Millstone Park
Land Adjacent To Melton Farm
Newmarket Road
Burwell

Reserved matters comprising layout, scale, appearance and landscaping for 143 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure for Phase 1 (Housing) pursuant to outline planning permission 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9VF62GGN3O00>





22/00420/RMM

Phase 1 Millstone Park
Land Adjacent To Melton Farm
Newmarket Road
Burwell



East Cambridgeshire
District Council

Date: 13/07/2023
Scale: 1:3,500



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TITLE: 22/00420/RMM

Committee: Planning Committee

Date: 2 August 2023

Author: Planning Team Leader

Report No: Y26

Contact Officer: Dan Smith, Planning Team Leader
dan.smith@eastcambs.gov.uk
01353 616306
Room No 011 The Grange Ely

Site Address: Phase 1 Millstone Park Land Adjacent To Melton Farm Newmarket Road Burwell

Proposal: Reserved matters comprising layout, scale, appearance and landscaping for 143 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure for Phase 1 (Housing) pursuant to outline planning permission 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

Applicant: Vistry East Midlands

Parish: Burwell

Ward: Burwell

Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 5 April 2022

Expiry Date: 11 August 2023

1.0 RECOMMENDATION

1.1 Members are recommended to GRANT DELEGATED POWERS TO THE PLANNING MANAGER TO APPROVE the application once the drainage condition (condition 16) on the outline permission has been discharged and subject to the recommended conditions summarised below (with any minor changes delegated to the Planning Manager). The conditions can be read in full on the attached Appendix 2 of this report.

- 1 Approved Plans
- 2 Materials
- 3 Hard surfacing
- 4 Landscaping Implementation, Management and Timescales

- 5 Lighting
- 6 Solar Panels
- 7 Boundary Treatments
- 8 Cycle Storage
- 9 Biodiversity
- 10 Archaeological Interpretation
- 11 Access, Parking and Turning
- 12 Pedestrian Visibility Splays
- 13 Restriction on Gates
- 14 Remove Permitted Development Rights for Carport Conversion

2.0 SUMMARY OF APPLICATION

- 2.1 This current reserved matters application relates to outline application 15/01175/OUM which granted outline planning permission for the redevelopment of land to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure. That application also approved the detailed matter of the access point on to Newmarket Road. The detailed matters of the layout, scale, appearance and landscaping of the development were reserved for future consideration. The permission was split into three main housing phases as part of that outline permission.
- 2.2 The current application seeks approval of those reserved matters of layout, scale, appearance and landscaping in respect of Phase 1 of the wider site for 143 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure.
- 2.3 The submitted scheme has been amended on three occasions over the course of the consideration of the application, in order to attempt to address Officer concerns regarding the design of the scheme as well as the concerns of statutory consultees.
- 2.4 The scheme comprises the provision of 143 dwellings, including 42 affordable dwellings, as well the internal access roads, areas of open space, parking and garaging, landscaping and drainage features. The scheme has been the subject of significant negotiation between planning officers and the applicant has gone through several revisions over the course of the application. This has addressed matters of density, layout, design, landscaping and has also addressed highways and drainage considerations. As part of those changes, the number of dwellings has been reduced from 150 initially proposed to the current figure of 143.
- 2.5 The application has been referred to Planning Committee as when the Committee resolved to grant outline permission, it further resolved that reserved matters applications be brought back to the Committee for consideration in a public arena.
- 2.6 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/>.

3.0 PLANNING HISTORY

- 3.1. The relevant planning history for the includes the outline permission to which the current application relates. That outline application followed an EIA Screening Opinion requests. Subsequently, the outline permission has twice been the subject of non-material amendments to make minor amendments to the wording of its conditions. A full application has also been approved in respect of the footpath/cyclepath link required by the outline permission.

14/00149/SCREEN

Screening Opinion for Residential Development
Environmental Statement Not Required
26 February 2014

15/01175/OUM

Redevelopment of land at Newmarket Road, Burwell to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure.

Approved

31 October 2019

15/01175/NMAA

Non-material amendment to wording of Condition 14 (Energy and Sustainability Strategy) of 15/01175/OUM.

Accepted

8 December 2020

15/01175/NMAB

Non-material amendment to vary wording of conditions 2, 4, 5, 6, 10, 11, 12, 13, 16, 17, 18, 19, 28, 36 and 37.

Accepted

29 October 2021

21/01771/FUL

Provision of a shared cycleway/footway west onto Ness Road, landscape, drainage, and associated infrastructure.

Approve

2 November 2022

- 3.2. The following Reserved Matters applications have previously been made in respect of the outline permission:

19/01578/RMM

Reserved matters for appearance, landscaping, layout and scale of planning application 15/01175/OUM (Phase 1)

Withdrawn

7 April 2020

20/01755/RMM

Reserved matters for internal access, layout, scale, appearance and landscaping for the provision of an internal spine road, landscaping and associated drainage and related infrastructure

Approved

13 July 2021

21/01508/RMM

Reserved matters infrastructure application (Phase 2) for internal access, layout, scale, appearance and landscaping for the provision of an internal spine road, landscaping and associated drainage and related

Approved

13 May 2022

- 3.3. A reserved matters application for housing on Phase 2A of the site was submitted at the same time as the current application. That application will also be referred to and considered by the August Planning Committee:

22/00479/RMM

Reserved matters for Layout, Scale, Appearance and Landscaping for Phase 2A for 138 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 15/01175/OUM

Pending Consideration

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The wider application site for which outline permission was granted comprises 27.3 hectares (67.5 acres) of greenfield agricultural land and adjoins the existing built form of Burwell to the west and south. Open countryside adjoins the site to the east and the north, with Newmarket Road defining the south west boundary of the site. To the west the wider site bounds Melton Farm, the Felsham Chase housing estate and other
- 4.2 The wider site is allocated for residential development for approximately 350 dwellings, in the East Cambridgeshire Local Plan 2015, under Policy BUR1 – Housing allocation, land off Newmarket Road, and was granted outline permission in 2019 as detailed above.
- 4.3 The current application site is roughly triangular part of the site with an approximate area of 4.8 hectares (11.9 acres). One side of the site runs alongside the Newmarket Road boundary. The other boundaries would be enclosed by the internal access roads and western public open space area which were permitted under permission reference 20/01755/RMM.
- 4.4 The site was previously arable agricultural land. It has since been topsoil stripped and some elements of the previous reserved matters approvals for infrastructure, such as the primary spine road, have been implemented on site. The site is located within Flood Zone 1, meaning it is at the lowest risk of flooding from fluvial flooding, and is at a very low risk of flooding from surface water.

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.

Parish - 27 April 2022

Burwell Parish Council considers that the properties within this development should be powered by renewable green energy.

Parish - 9 November 2022

The Parish Council note other consultee comments and ask that these are taken into account when the application is determined.

Parish - 26 April 2023

Burwell Parish Council has noted neighbour comments for the above two applications, but has no objections to the proposals. It is pleased to see that 40% affordable homes are being provided in Phase One. It requests confirmation regarding the timescales like to know at what point during construction the play equipment will be delivered and who will be responsible for the play area in the long term.

Local Highways Authority - 28 April 2022

Pre-application meetings between the LPA, LHA and the developer took place in early December 2021. I note with thanks that the layout has been amended to take on board the early advice. My response below identifies some residual matters which still need to be addressed, in many cases to safeguard against any future adoption process.

Access

The access to the development parcel will be via the previously approved Spine Road. Bellmouth junctions were incorporated within the original design for this purpose and no changes to these junctions are proposed. However, four new shared private accesses are proposed which will front onto the Spine Road. Each access is suitably wide and can achieve the necessary visibility (see further comment below) so I do not object to this. But separate to the planning application, the LHA is progressing a Section 38 Agreement for adoption of these roads. This s38 will need to be amended (at the developer's expense) to incorporate the changes associated with the additional accesses.

Layout

The proposed road geometry (widths and radii) is appropriate for the residential development. The bin collection points shown on the refuse tracking plan are omitted from the site layout. These should be included on all drawings for consistency. While the turning heads to the south of the scheme are sufficient to accommodate the necessary vehicle tracking, I would like inform the applicant that the 'bulges' in the southern edge are not necessary and would be more difficult to construct than a straight equivalent. This comment is advisory only.

Visibility

The inter-vehicular visibility to the left for the junction opposite Plot 131 passes across the front of private driveways (Plots 136 & 137). If the applicant wishes for

the road to be adopted, the entirety of the splay needs to be included in the adoptable area. 2.4m x 25m inter-vehicular visibility splays are needed for all shared private drives which front onto the primary and secondary Spine Road. Where the splays cross the verge, they will need to form part of the adoptable area. This needs to be regularised with the in-progress Section 38 Agreement but does not form the basis for an objection to this planning application. Otherwise, the visibility is acceptable and sufficient to maintain highway safety. Please note that the LHA will not adopt pedestrian visibility splays, but they should be maintained free from obstruction from at least a height of 0.6m by the relevant landowners. This requirement should be conveyed to any future plot owner.

Vehicle Tracking

Refuse and fire tender tracking are acceptable. The delivery vehicle tracking shown is acceptable, but the plan has omitted tracking of the parking courts which serve Plots 101-104 and 126-130. Please can the applicant track these areas.

Surface Water Drainage

Due to the chalk ground conditions in the area, no highway can be adopted if infiltration devices are laid within 10m of the highway. The infiltration basin in the north-east of the development would therefore compromise the LHA's ability to adopt the development Spine Road and by extension any of the development roads. For infiltration basin 2 in the north-east of the site, I measure a distance of approximately 4m from the top of basin to the carriageway edge at the narrowest point and 9m from the bottom of basin to carriageway. For basin 3, I also measure approximately 4m to the top of bank and 9m to the bottom. The 10m offset should be from the top water level. I have not provided comment on Basin 1 as it is outside of the application redline, but the same criteria apply. Permeable paving is proposed on private drives through the development. The LHA do not accept permeable paving as a means of surface water drainage due to its short design life, onerous maintenance requirements and tendency to fail. Therefore, if positive drainage is not achievable, surface water interception must be included prior to the highway proposed for adoption. This can be demonstrated at detailed design post-planning.

Miscellaneous

The LHA do not adopt visitor parking bays so those adjacent to shared space streets should be designed to fall away from the carriageway so that they can be drained separately.

Similarly, the visitor parking bays to the rear of Plots 94 and 95 will not be adopted. They should be separated from the carriageway by a bull-nosed kerb with 25mm upstand. As these bays will fall towards the carriageway, they should include separate drainage e.g., additional gully or channel drain. The specifics can be reviewed at detailed design post-planning.

Where a tree is to be laid within 5m of highway proposed for adoption, a root protection barrier to a depth of 1.2m is required to protect the highway integrity. Fruit trees shall not be used at these locations to avoid slip hazards when the fruit falls.

Conclusion

I would like to invite the applicant the opportunity to respond to the above points, but I note that most of my comments are advisory or relate to any future adoption process. Specific to the planning process, at a minimum the comments relating to bin stores and delivery vehicle tracking should be addressed.

Local Highways Authority - 31 October 2022

Access

Access to the development parcel via the previously approved Spine Road is acceptable. However, there are minor changes from the previous outline consent (inclusion of a shared private access) and the applicant will need to regularise these changes with the LHA as they have submitted a Section 38 Agreement application (ref: G59/2633 & G59/2654) for the adoption of these roads. This however has no bearing on this planning application.

Layout

The transition to shared space at Plots 92 / 131 is not acceptable. The transition is such that it is ambiguous for pedestrians whether they should be in the carriageway or on the footway (with minimal kerb separation) at the junction. The shared space transition needs to be of the standard form, as used elsewhere in the site, and located on the east side of the junction between Plots 89 and 100. This will require the relocation of the driveways for Plots 88, 89 and 90. As it stands, there is too little pedestrian certainty and protection, at a location where it is needed most.

Upon further consideration the parking bays located between Plots 50 and 70 need additional detailing. There are no splays shown on the site plan so it is unclear how a vehicle can enter or exit the space without overrunning the footway or verge.

The contrasting block paving used along the frontage of Plots 127 and 128 is unnecessary from a highway perspective. While I do not object to its use, should the applicant choose to retain it, they must be aware of the following points which will be pertinent to any future adoption agreements.

- No kerbing (flush or otherwise) shall be used across the carriageway to imply pedestrian crossing priority as this is misleading.
- The footway and parking on either side of the carriageway must remain private and will not be adopted by the LHA. As such, it will also need to be drained separate from the highway.

As per my previous comments, paved areas for bin collection points, which sit outside the highway, have been omitted. These should be provided at shared private drives where there may otherwise be a concentration of bins placed at turning heads or accesses which could obstruct road users.

Visibility

Inter-vehicle visibility splays have been omitted from this latest submission. The applicant should re-submit the site plan with the splays included. That being said, I do not foresee any material issue.

Vehicle Tracking

The submitted vehicle tracking is acceptable.

Surface Water Drainage

The surface water drainage strategy is acceptable (from a highways perspective). However, engineering detail (gully locations, spacing, drain sizing, manhole locations etc.) will be reviewed as for roads proposed for adoption as part of any subsequent S38 Agreement.

Conclusion

I would like to invite the applicant the opportunity to respond to the above points prior to making any final recommendations.

Local Highways Authority - 21 April 2023

Based on the revised submission which addresses my previous comments, I do not object to this application.

The adoption of proposed highway will be subject to a Section 38 Agreement of the Highway Act 1980 and comments made within this response are done so on a without prejudice basis to any such agreement taking place. In the interest of avoiding any abortive construction works, I strongly advised that should the applicant be granted planning approval, no construction works take place for proposed adoptable highway prior to the applicant entering into a Section 38 Agreement with the Local Highway Authority.

Please append the following Conditions to any permission granted:

- Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on 500-SK-PH1-01 Revision B in writing by the Local Planning Authority.

- Prior to first occupation or commencement of use 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.

- No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

- Prior to the occupation of a dwelling, the pedestrian visibility splays pertaining to its access, as shown of the drawing 500-SK-PH1-01 Revision B, shall be kept free from obstruction from a height of at least 600mm above footway or carriageway surface level.

Lead Local Flood Authority - 6 May 2022

At present we object to the grant of planning permission for the following reasons:

Drainage Layout Plans

Drainage Strategy - Phase 1, Sheets 1 and 2 have been submitted within this reserved matters application. However it appears that an area of the development to the north of Sheet 2 is not shown within a drainage layout. The LLFA therefore requires that suitable drawings are submitted that show the entire red line boundary of the development, in order for the LLFA to support this application.

Hydraulic Calculations

Hydraulic calculations should demonstrate the performance of the drainage system with regards to discharge rates, attenuation volumes, and peak discharge volumes for rainfall events up to and including the 1% Annual Exceedance Probability (AEP) event +40% climate change. The calculations submitted within this application show the following:

- Network 1 - Flooding in 1% AEP rainfall event,
- Network 2 - Surcharging in the 100% AEP event, and flooding in 1% AEP event,
- Network 3 - Surcharging in the 100% AEP event

There should be no surcharging in the 100% AEP storm and no water outside the system within the 3.3% AEP storm event. If there is any exceedance within the 1% AEP storm + 40% allowance for climate change, this must be managed within the red line boundary without increasing the risk of flooding to any surrounding land or property. Until it is demonstrated that the above requirements have been met for this drainage system, the LLFA is unable to support this application.

The calculations currently show that the half drain time for Network 2 cannot be calculated as the system is too full. The half drain time for the system should be less than 24hours in order to ensure that the system has the capacity to accommodate rainfall events occurring in quick succession. Until the half drain time for the system is demonstrated as less than 24 hours, the LLFA is unable to support this application.

The submitted calculations are using FSR rainfall data. However, FSR rainfall data is now outdated and there are more accurate data sets in FEH 1999 and 2013 models. This is due to recording of rainfall over a longer period of time, as well as updated calculations behind the model. Therefore, FEH rainfall data is now required on all applications to ensure the hydraulic modelling is an accurate representation of the proposed network.

Pumped Manhole

It is currently proposed that a pumped manhole will be present within Network 3 of the development. Pumping of surface water is an unsustainable drainage method. Pumps present a significant residual risk if they are not maintained or fail during a storm event. Our preference is for gravity discharge to the surface water drainage system, mimicking the natural drainage of the site and reducing energy consumption as stated in paragraph 6.3.5 and 6.3.28 of the Flood and Water Supplementary Planning Document (SPD).

We require that the applicant attempts to discharge as much surface water runoff via gravity as possible. This can be achieved through the use of larger areas of shallow attenuation or alternative SuDS approaches.

If it can be demonstrated that a partial or completely pumped drainage system is the only viable option we would require that the residual risk of flooding due to the failure of the pumps be investigated. We would require that the flood level be determined under the following conditions:

- The pumps were to fail; and
- The attenuation storage was 50% full; and
- A design storm occurred

The floor levels of the affected properties must be raised above this level and all flooding must be safely stored onsite.

Lead Local Flood Authority - 19 July 2022

We have reviewed the following documents:

- Additional Drainage Information, Stomor Civil Engineering Consultants, Ref: ST3163/220617-LLFA1, Dated: 17 June 2022

Based on these, as Lead Local Flood Authority (LLFA) we are able to remove our objection to this reserved matters application.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving, and infiltration basins, discharging directly into the ground.

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse. The use of infiltration basins is also supported, as the basins can provide surface water treatment, in addition to biodiversity and amenity value.

Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.

Lead Local Flood Authority - 15 November 2022

Thank you for your re-consultation which we received on 25th October 2022.

At present we maintain our objection to this reserved matters application for the following reasons:

Required Clarity

Within the updated drainage layout, it appears that the total area of permeable paving throughout the development has been reduced. The LLFA would require clarity as to how these changes will impact the overall drainage strategy, for example, demonstration that all surface water discharging from the site by any means will receive appropriate levels of surface water treatment in line with the Simple Index Approach, CIRIA SuDS Manual C753. In addition hydraulic calculations should be submitted that demonstrate that the new drainage strategy will have sufficient capacity to accommodate all rainfall events up to and including the 1% Annual Exceedance Probability (AEP) rainfall event +40% climate change allowance. Until the above is demonstrated, the LLFA is unable to support this application.

Lead Local Flood Authority - 17 April 2023

At present we maintain our objection to this reserved matters application for the following reasons:

Hydraulic Calculations

Hydraulic calculations should demonstrate the performance of the drainage system with regards to discharge rates, attenuation volumes, and peak discharge volumes for rainfall events up to and including the 1% Annual Exceedance Probability (AEP) event +40% climate change. The calculations submitted within this application show the following:

- Network 1 - Surcharging in the 100% AEP rainfall event.

There should be no surcharging in the 100% AEP storm and no water outside the system within the 3.3% AEP storm event. Until it is demonstrated that the above requirements have been met for this drainage system, the LLFA is unable to support this application.

The calculations currently show that the half drain time for Network 1 cannot be calculated as the system is too full. The half drain time for the system should be less than 24 hours in order to ensure that the system has the capacity to accommodate rainfall events occurring in quick succession. Until the half drain time for the system is demonstrated as less than 24 hours, the LLFA is unable to support this application.

Lead Local Flood Authority - 6 June 2023

Confirmed it had reviewed the updated documents and based on these it removed its objection to this reserved matters application. It has been demonstrated that the proposed drainage strategy can manage surface water appropriately through the use of infiltration basins, and that surface water quality has been suitably addressed within the development.

Environment Agency - 18 May 2022

States it has inspected the amended documents as submitted and has no additional comments to add to its previous response at the outline stage.

Environment Agency - 11 April 2023

States it has inspected the amended documents as submitted and has no additional comments to add to its previous response at the outline stage.

Anglian Water Services Ltd – 6 November 2022

We have reviewed the applicant's submitted foul drainage strategy in submitted drawings Phase 1 Drainage Strategy ST-3163 500-E/501-E and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge any condition(s) of the outline planning application 15/01175/OUM, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

We have reviewed the applicant's submitted surface water drainage information, Phase 1 Drainage Strategy ST-3163 500-E/501-E, and have found that the proposed method of surface water discharge does not relate to an Anglian Water

owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off.

The Ely Group Of Internal Drainage Board - No Comments Received

Environmental Health - 22 April 2022

Requests that if there is the opportunity to add a condition at this stage that a Piling Method Statement be required by condition in the event that piling is necessary. This should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving it should include a commitment to the following restricted hours specifically for piling: 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling then this should be confirmed in writing.

Environmental Health - 31 October 2022

We have reviewed the amendments and have no further comment to make on this application.

Environmental Health - 5 April 2023

We have nothing to add to the previous comments at this time

ECDC Trees Team - 6 June 2022

The northern most attenuation pond is surrounded by a single species of tree the West Himalayan Birch (*Betula utilis* var. *jacquemontii*) - ten of them this appears to be an excessive reliance on one species it would be better if this area included

some other tree to provide variation and diversity future proofing the area. The additional trees could be native species trees or ornamental's but should ideally be long lived large scale trees where possible. The design only uses 8 species of tree for larger sized planting opportunities 39% of which are Betula utilis var. jacquemontii.

The use of Amelanchier arborea "Robin Hill should be reconsidered as some their locations overhanging or are adjacent to parking areas and footpaths this is unsuitable for their long-term retention. These trees produce soft fruit (berries) that can pose a slip hazard as well as making a mess and attracting unwanted insects such as Wasps, Ants etc.

Generally the planting layout is acceptable but the species of some of the trees chosen require re-evaluation. Due to the issue above the landscaping scheme is not acceptable at this time.

ECDC Trees Team - 21 November 2022

The revised soft landscaping is acceptable though it does appear that there are trees located within the proposed easements in the drainage scheme so there may be a requirement to relocate these trees outside the easements to avoid future conflict between the trees and necessary access.

ECDC Trees Team - 21 April 2023

The revised soft landscaping scheme is acceptable

Housing Section - 25 April 2022

The Strategic Housing Team would like to put in a holding response as we require further information from the developer. I note that the shared ownership dwellings proposed are significantly below the National Described Space Standards and the proposed for the affordable rented dwellings offered.

Our pre-app discussions advised that these properties would need to be 2 bed (4 person) and 3 bed (5 person) in order to ensure we meet an identified need. Could you please ask the developer to change the shared ownership dwelling to a Cooper house type and Asher house type, so they meet the recommended sizes requested

Housing Section - 2 November 2022

We note that our previous comments regarding space standards have been taken on board for all affordable units except for the Elmslie 3bed shared ownership units. As highlighted before we would like to see this delivered as a 3bed (5person) unit however the current size of the unit only allows for a maximum occupancy of 4 people.

We would like to see these 3 bed units changed to the Asher design to meet recommended sizes where possible.

Housing Section - 30 March 2023

Thank you for advising us of the above - we have no additional comments to make on the amendments submitted.

Waste Strategy (ECDC) – 11 May 2022

In relation to the private drives indicated on the design and access statement, East Cambs District Council will not enter private property (including the private driveway 'roads') to collect waste or recycling without a signed indemnity agreement, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day. This should be made clear to any prospective purchasers in advance. This is especially the case where bins would need to be moved over long distances; 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). In addition to this, there is no swept path analysis for these properties (e.g. 1-7) if an indemnity agreement was provided.

In addition to the above, the boundary of the development with the public highway will need sufficient space for the bins and bags for all new properties to be presented without causing an obstruction.

With reference to document '500-SK-PH1-07 BOUNDARIES AND BINS' and those properties identified with the green line as needing to present their bins away from their properties, East Cambs District Council require waste and recycling to be ready for collection by 7:00am on collection day and not before 6:00pm on the evening before. Residents will also be required to return their containers to their boundaries as soon as possible following collection. It is noted that some properties are missing from this map and they will need to present with the properties identified with the green drag distance to a collection point.

Under 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 power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

Each new property requires a set of receptacles; the contribution is currently £52 per set. We would recommend the developer made the contribution on behalf of the residents.

Cambridgeshire Archaeology - 19 April 2022

We do not object to the layout proposed by this application but recommend that an archaeological condition is attached to any planning consent to provide archaeological interpretation boards to be erected at one of the public open spaces within Phase 1. This follows a successful pre-commencement excavation conducted under planning consent granted for 15/01175/OUM, which predominantly occupied the Phase 1 area. Here a major Late Bronze Age to early Iron Age settlement (c. 9th-7th centuries BC) of around 30 post-built round houses, rectangular buildings and structures, wells and a large number of storage pits cut deeply into the chalk bedrock was excavated. Ditched fields that are commonly found around settlements of this period were notable by their absence, suggesting that livestock was probably corralled and managed elsewhere and that cereal cultivation may have been important to the prehistoric community. The settlement evidence survived surprisingly well despite the thin plough soils covering the chalk.

Place shaping is an important aspect of new settlements and at Millstone Park the landscaping proposals around the SuDS and entrance to the new residential area will provide new spaces that will be used by local residents. Providing some indication of the ancient settlement that once occupied the space will be important in terms of public benefit and the social value of the development. An imaginative proposal to combine public art and archaeology in a cultural heritage-led strategy to distinguish the development expansion area within the village is recommended.

The following condition is advised:

No development shall commence until the applicant has submitted the proposed design and content of an archaeological interpretation board to the Local Planning Authority for approval. The illustrated interpretation board is to be placed in a suitable location within the public open space and must be erected prior to the first occupancy of the development. Content for the board should be prepared by the archaeological organisation who undertook the excavation.

Cambridgeshire Archaeology - 30 March 2023

Repeated its earlier advice.

NHS England - 25 October 2022

The proposed development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application Burwell Surgery. This practice supports a patient list size of 8,947 and this development of 150 dwellings would see an increase patient pressure of 375 new residents which would require additional GP/Nurse / (Admin support) workforce to support potential increase in appointments : GP = 0.19 / Nurse = 0.13 and Admin = 0.36 with a resulting increase on estate demand of 25.71 sqm net internal area.

A developer contribution will be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £93,908.57 CAPICS therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission.

In its capacity as the healthcare provider, CAPICS has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, CAPICS would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that CAPICS deem appropriate having regard to the formulated needs arising from the development. CAPICS are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

Cambridgeshire Fire And Rescue Service - 21 April 2022

Requests that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations. If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required.

Sport England - 5 April 2023

Sport England has no comments to make on this additional information consultation. Therefore, please refer to Sport England's previous responses for our current position on this application which for the benefit of doubt have not been superseded and remain extant.

Design Out Crime Officers - 3 May 2022

States it considers this to be an area of low vulnerability to crime at present.

The proposed layout appears to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbouring properties with many of the homes facing each other along with defensible space to the front. Pedestrian and vehicle routes are aligned together, is well overlooked and pedestrian safety has been considered. This should encourage some level of territoriality amongst residents.

Please see following comments for your consideration.

Rear access footpaths - The footpaths to the rear of plots 12, 28, 37, 109, 130 & 137 are planned to be gated which is good to see in the boundary treatment plan. Unfortunately, by allowing access to the rear of those properties will only increase the vulnerability for burglary as most occur via the rear garden. Please ensure that any shared gates are fitted with self-closers, and private gates are fitted with self-closers and lockable from both sides.

External lighting - Our recommendation for external lighting is that all adopted and un-adopted roads, private roads, shared drives, footpaths and parking areas, should be lit with columns to BS5489:1 2020. Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens, especially where there is little surveillance from neighbouring properties as they can be used as a climbing aid if positioned too close to the fence/wall. Home security lights to the front and rear of the properties should be dusk to dawn LED bulkhead lights. I would like to see the lighting plan, including lux levels and calculations when available please. Please note: Bollard lighting should be used as wayfinding only and not as a main source of lighting.

Cycle storage - The Design and Access Statement (DACS - Page 16) made reference to cycle storage will be provided within a garage or secure cycle sheds within accessible locations within the rear gardens. Consideration should be given to providing a ground anchor within the shed to allow the resident to secure their bike/s, and a solid secure, gold rated hasp and lock for the door.

Parking - There are many parking bays that have good natural surveillance from active windows. However, there are plots that do not allow the residents to see their own vehicles, such as; 18, 25, 31, 35, 44, 52, 93, 94, 95, 96, 135 & 138. Where possible, I would recommend for these properties the fence is lowered to 1.5m with 300mm of trellis to improve the natural surveillance.

Landscaping - Consideration should be given to the planting of trees too close to fencing as they can also act as a climbing aid to gain entry to rear gardens. It is also important to ensure that there is a management plan in place to maintain and ensure tree crowns are raised above 2m in height and ground planting and hedging is kept to a minimum of 1-1.2m in height, this will allow for ongoing natural surveillance across the development, open spaces and footpaths and to reduce possible conflict with lighting.

Design Out Crime Officers - 1 November 2022

This new design would appear to have removed the rear parking issues mentioned by my colleague.

There are still footpaths to the rear of terraced blocks of homes - shared gates should be as close to the front building line as possible, fitted with self-closers. Private gates should be fitted with self-closers and be lockable from both sides.

The rest of the previous comments relating to lighting, cycle storage and landscaping still apply.

Design Out Crime Officers - 5 April 2023

Reiterates previous comments in respect of external lighting, gates, cycle storage, parking and landscaping. Comments that boundary treatment separating the development parcels and the countryside are important to reduce the fear of crime for residents as most burglaries occur with entry gained through rear gardens

Technical Officer Access - No Comments Received

Cambridgeshire County Council Education - No Comments Received

West Suffolk District Council - No Comments Received

Conservation Officer - No Comments Received

CCC Growth & Development - No Comments Received

Cadent Gas Ltd - No Comments Received

Community & Leisure Services - No Comments Received

Ward Councillors - No Comments Received

5.2 A site notice was displayed near the site on 21 April 2022 and a press advert was published in the Cambridge Evening News on the same date.

5.3 Neighbours – 433 neighbouring properties were notified by letter and responses were received from residents of 12 properties. The responses received are summarised below. A full copy of the responses are available on the Council's website.

- 5.4 Concern expressed regarding:
- Affects public views;
 - Affects a Right of Access;
 - Affects a Right of Way
 - Affects street scene;
 - Balance of development across wider site;
 - Biodiversity;
 - Contrary to Policy;
 - Density of development;
 - Detailed internal layouts of some house types;
 - Energy efficiency and sustainability;
 - Form and character;
 - Highway safety;
 - Housing numbers;
 - Impact on trees;
 - Increase in footfall through neighbouring streets;
 - Lack of bungalows;
 - Lack of key worker accommodation;
 - Landscape impact;
 - Loss of privacy;
 - Loss of public amenity;
 - Loss of view;
 - Location of affordable housing;
 - Noise sensitive;
 - Overbearing;
 - Overlooking;
 - Parking and Turning;
 - Pollution issues;
 - Residential amenity;
 - Visual amenity.

6.0 THE PLANNING POLICY CONTEXT

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan (2015) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

6.2 *East Cambridgeshire Local Plan 2015 (LP)*

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing Mix

HOU 2	Housing density
HOU 3	Affordable Housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision
BUR 1	Housing allocation, land off Newmarket Road

6.3 *Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021 ('CPWM')*
 Policy 14 Waste management needs arising from residential and commercial development

6.4 Supplementary Planning Documents (SPD)
Design Guide – Adopted March 2012
Flood and Water – Adopted November 2016
Contaminated Land - Adopted May 2010
Developer Contributions and Planning Obligations – Adopted May 2013
Natural Environment SPD – Adopted September 2020
Climate Change – February 2021

6.5 *National Planning Policy Framework 2019 (NPPF)*
 Section 2 Achieving sustainable development
 Section 4 Decision-making
 Section 5 Delivering a sufficient supply of homes
 Section 6 Building a strong, competitive economy
 Section 8 Promoting healthy and safe communities
 Section 9 Promoting sustainable transport
 Section 11 Making effective use of land
 Section 12 Achieving well-designed places
 Section 14 Meeting the challenge of climate change, flooding and coastal change
 Section 15 Conserving and enhancing the natural environment
 Section 16 Conserving and enhancing the historic environment

6.6 Planning Practice Guidance (PPG) and National Design Guide (NDG)

7.0 PLANNING COMMENTS

7.1 The main planning considerations in this case are the principle of the development, housing mix, layout, scale and appearance, landscaping, residential amenity, historic environment, energy and sustainability, biodiversity and ecology, and flood risk and drainage.

7.2 Principle of Development

7.3 The site is part of a wider site which benefits from an outline planning permission for the provision of 350 dwellings and other infrastructure. That outline permission was granted on the basis that the site is allocated for residential development in the Local Plan. On that basis, the overriding principle of residential development on the site is acceptable.

7.4 The outline permission reserved consideration of the detailed matters of layout, scale, appearance and landscaping, requiring the submission of details of those matters at a later stage. This current application is made in that regard.

7.5 On that basis, the principle of development is acceptable in accordance with LP policies GROWTH 2 and BUR 1. The detailed consideration of this current application below, assesses whether the detailed matters pursuant to the Outline planning permission accord with the development plan when taken as a whole.

7.6 Housing Numbers and Mix

7.7 *Housing Numbers*

7.8 The outline application approved up to 350 dwellings across the wider site. The development framework plan approved under the outline application and the subsequently approved phasing plan show three housing phases of broadly equal area. The current reserved matters application initially sought 150 of those dwellings in phase 1. The phase 2A application submitted at approximately the same time initially showed 150 dwellings on that phase. This would have resulted in 300 of the 350 dwellings being proposed across two thirds of the housing land, leaving the final phase with only 50 dwellings.

7.9 Officers raised concerns in respect of the balance of the housing delivery across the wider site and the potential issues with the holistic character of the wider site and suggested that a significant number of dwellings (20–25) should be removed from each scheme to even the balance of housing development across the housing parcels.

7.10 In response to concerns regarding the layout of the current reserved matters application seven dwellings were removed from the scheme. This does not entirely address the officers' concerns regarding holistic development of the wider site. It is acknowledged that the density of the proposed scheme broadly accords with that shown on the development framework plan approved at outline stage, however officers remain concerned regarding the balance of delivery of housing across the site. It is considered that the provision of higher numbers of dwellings on the current phase has introduced unnecessary challenges in providing a high-quality scheme for the parcel and has impacted on the overall quality of the scheme.

7.11 Despite requests from officers, no information has been provided by the master developer for the site (This Land) regarding how the remainder of the housing might be delivered on Phase 3. Consideration has been given in the abstract to whether the remaining housing on Phase 3 could be provided in an acceptable way which would provide a cohesive scheme across the wider site. Phase 3 of the

development is likely to benefit from being at a slightly lower in density with a looser layout as it is the phase which will border most closely the open countryside. Phase 3 also contains the self-build plots for the wider site which generally benefit from larger plots. These factors speak in favour of a lower density approach to Phase 3. Additional public open spaces and structural landscaping could also be provided on phase 3 which would enhance the countryside edge while still allowing space for a less dense development to come forward.

- 7.12 On balance and in the absence of any proposals for Phase 3, officers are of the view that it would be possible to deliver an acceptable scheme across the wider site notwithstanding the imbalanced approach to housing numbers on the phases. It is therefore considered that the scheme for the current phase should be considered on its merits. That further consideration is provided below.
- 7.13 *Market and affordable housing split*
- 7.14 Of the 143 dwellings proposed, 42 are provided as affordable units which accords with the s106 requirement to provide affordable dwellings at a rate of 25% for the first 100 dwellings on Phase 1 and 40% on the remainder on the phase.
- 7.15 *Market Housing Mix*
- 7.16 LP policy HOU 1 requires that housing developments provide an appropriate mix of dwellings types and sizes that contribute to current and future housing needs as identified in the most recent available evidence. The latest Strategic Housing Market Assessment (SHMA) published in 2021 sets out a suggested mix of market housing in order to meet likely future housing needs in the Cambridgeshire and West Suffolk region. The outline permission was subject to a condition which requires reserved matters applications to provide a mix of dwelling types and sizes that contribute to the housing needs and demand of the locality at the time of submission.
- 7.17 The SHMA indicates that in respect for market homes, there will likely be a highest need for 3-bedroom dwellings (40-50%), followed by need for 2-bedroom and 4+-bedroom dwellings (both 20-30%).
- 7.18 The current scheme does not accord with the suggested SHMA mix for market dwellings, being significantly skewed towards larger dwellings. The application proposes that 51% of dwellings are 4+-bedrooms which is well above the 30% maximum suggested by the SHMA. It proposes 48% 3-bedroom dwellings which is in line with the SHMA and 2% 2-bedroom dwellings –which is well below the minimums suggested by the SHMA.
- 7.19 The SHMA does allow some divergence from the suggested mix in respect of specific schemes, stating that in applying the mix to individual development sites the policies should be flexible enough to have regard to the nature of the site and character of the area.
- 7.20 The applicant has provided Housing Mix Statement as required by the outline permission. It provides arguments as to why the proposed mix of dwellings is justified in this case. The statement accepts that the scheme provides a lower

percentage of 2-bedroom homes and a higher percentage of 4 and 5-bedroom homes. It suggests that the justification for this is threefold:

- i) That the local characteristics of Burwell warrant this approach, being a highly sought-after for families living in close proximity to Cambridge and the edge of village site is more appropriate for larger family housing;
- ii) That the market demand, based on the company's up-to-date sales and marketing intelligence in respect of the local market indicates that there is demand from its customers for larger properties with additional living space required for working from home or for inter-generational living;
- iii) That the proposed housing mix is a response to the urban design principles for the site to reflect the design, character and density needs of the parcel.

7.21 It is agreed that proposed housing mix has come about partly as a result of the urban design considerations of the scheme which have been negotiated as part of this application. The preferred character for certain areas of the scheme benefits from the use of larger dwellings, particularly in areas fronting open space, spine roads and the Newmarket Road frontage. As the affordable dwellings are generally smaller as required by the SHMA, the increased proportion of larger market dwellings allows for the different character areas of the site to be more easily designed. The weight given to the design argument is moderate.

7.22 The applicants argue that their evidence is that there is demand for larger properties which allow more space for home working and inter-generational living. It is accepted that the demand for such arrangements is likely greater now than in the past, possibly even since the 2021 SHMA. That argument is therefore given moderate weight in the consideration of the mix, albeit that it is anecdotal rather than well-evidenced.

7.23 It is not disputed that Burwell is a sought-after village for families. However, it is also likely that smaller families and couples would also wish to reside in Burwell. In the absence of any market evidence, the weight given to that argument is very limited.

7.24 The proposed mix is at a considerable variance from the mix suggested in the SHMA. The SHMA does allow for variances in the mix dependent on the character of the area and nature of the site and those matters are given some weight in this consideration. While the arguments used to justify the mix are relatively general and evidence is not provided to support some of the contentions, on balance, it is considered that the scheme is likely to provide a mix which contributes to current housing needs. Compliance with the requirements of condition 7 of the outline planning permission is therefore achieved through this submission.

7.25 *Affordable tenure and mix*

7.26 The application proposes 42 affordable dwellings, 29 of which would be affordable rent and 13 of which would be shared ownership. This is a 69:31 split and as close as possible to the desired 70:30 tenure split. The Council's Housing Strategy Team has confirmed it is happy with the proposed tenure of the scheme.

7.27 The SHMA indicates that for affordable housing, there is a mix requirement for a higher percentage of 2-bedroom dwellings (35-45%), followed by 3-bedroom (25%-

35%), then 1 bedroom (15-25%) and finally 4+ bedroom (5-15%). The application proposes 50% 2 bedroom dwellings, 29% 3 bedroom dwellings, 14% 1 bedroom dwellings and 7% 4 bedroom dwellings. This mix is considered to be acceptable and the Council's Housing Team has confirmed it is content with the mix.

7.28 The Housing Strategy Team did request that the Elmslie house type be changed as that 3-bed house type only allows for a maximum occupancy of 4 persons whereas it seeks 5 persons to be accommodate. The applicant has declined to revisit that issue, however they say they are in detailed negotiations with Registered Providers of affordable housing who have not raised this as a concern. The applicant has confirmed that all of the affordable housing meets the Nationally Described Space Standards.

7.29 The timescales for the provision of affordable housing and the securing of that provision in the long-term are secured by the s106 obligation pursuant to the outline permission.

7.30 On the basis of the above, the proposed affordable housing is considered to be acceptable in respect of its provision of affordable housing and the tenure and mix of that housing in accordance with the requirements of LP policy HOU 3.

7.31 Design

7.32 The application seeks the approval of the reserved matters of layout, scale, appearance and landscaping. The outline permission requires via condition 4 that the development be carried out in accordance with the development framework drawing approved at that stage.

7.33 LP policy ENV 1 requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV 2 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.

7.34 LP policy COM 7 requires that all development must ensure a safe and convenient access to the public highway. It also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location. Policy COM 8 requires development proposals to provide adequate levels of car and cycle parking and that the provision be made broadly in accordance with the Council's adopted standards.

7.35 *Layout and Landscaping*

7.36 The layout of the scheme has been through several iterations since it was initially submitted in response to feedback from the case officer, urban designers and the Local Highways Authority. The initially submission for 150 dwellings and was not considered to be of an acceptable quality, with particular issues relating to a

reliance on cul-de-sacs and 'backland housing' around parking courts as well as inconsistent building lines leading to a poorly defined block structure.

- 7.37 The street layout as well a lack of variety in density across the parcel and a relatively uniform approach to the positioning of dwellings on their plots was considered to lead to a poor resolution of the various suggested character areas.
- 7.38 The scheme also took additional access points from the main spine road which was considered to negatively impact on the character of that street (established as part of the previous infrastructure reserved matters application) by cutting through the landscaped verges. Car parking in certain areas was not well resolved leading to poorly surveilled parking courts and parking spaces distant from the properties they serve, a reliance on frontage parking and excessive widths of parking between dwellings. The layout was also considered to have a poor level of pedestrian and cycle permeability on the eastern side of the parcel.
- 7.39 The layout was also considered to lack incidental open space within the central area (as shown on the outline development framework drawing) with the northern open space was poorly enclosed by the adjacent housing, partly due to the location of the visitor parking spaces. It was also considered that there was clear lack of tree planting across the initial scheme which led to streets overly dominated by hardstanding and built form.
- 7.40 Planning Officers suggested to the applicant that significant changes would be required to the layout and landscaping of the scheme and that a high-quality scheme was only likely to be achieved if a significant number of dwellings were removed from the scheme.
- 7.41 Various changes have been made to layout and landscaping over the course of the application and are reflected in the current scheme now referred to the committee. A total of seven dwellings have been removed from the scheme which is below the level suggested by planning officers, but the changes enabled by that reduction in numbers have provided improvements to the layout and landscaping proposed.
- 7.42 The parcel now has only two access points of the primary spine road with the properties fronting that road now served by accesses taken from within the parcel and provided along private drives. This allows the landscaped avenue character of the spine road to remain. The cul-de-sac on the eastern side of the parcel has been removed as have the parking courts which improves the character of the eastern part of the site, strengthens the block structure as well as enhancing the permeability of the parcel by foot and cycle.
- 7.43 The changes to the layout have also allowed a clearer resolution of the character areas across the parcel. The varying densities across the scheme, with lower densities on the Newmarket Road frontage with densities increasing along the spine roads, further increasing around the central open space and with the highest densities in the central core of the parcel. In combination with the building types used and the landscaping, it is considered that the scheme provides reasonably well-defined character areas which create interest in the scheme and an adequate sense of place.

- 7.44 The LHA has confirmed that the road layout is acceptable in respect of highway safety and adequate access is provided for waste collection vehicles to access the site and turn within it providing acceptable arrangements for waste collection.
- 7.45 Parking provision has been improved across the parcel. Spaces associated with dwellings are now provided on plot or very close to the plots and are generally well overlooked. The removal of parking courtyards has improved surveillance of parking spaces. Large widths of parking spaces in front of buildings have largely been removed and now only feature to the south of the terrace of three properties on plots 112-114 and between the detached dwellings on plots 15 and 16, 18 and 19, 65 and 66 and 69 and 70. In respect of the terrace, the spaces are set perpendicular to the main street and are landscaped which limits their prominence. While the width of parking between the detached dwellings does break up the frontage and the rhythm of the built form, the parking is only one space deep with garaging behind and on balance, in these limited situations, is not considered to harm the character of the development.
- 7.46 All of the dwellings within the scheme are provided with at least two dedicated parking spaces, except in the case of the affordable maisonettes which are provided with one each. Several of the larger dwellings are provided with three and in some cases four parking spaces. The scheme therefore meets the requirement of LP policy COM 8 to provide two car parking spaces per dwelling on average across the development. Garages are also proposed for many of the dwellings which would potentially provide additional off-street parking, however given the acceptable level of driveway parking for the dwellings, it is not considered necessary to require that the garages are retained for the purposes of parking.
- 7.47 The scheme also provides 18 visitor car parking spaces. This equates to one space per 8 dwellings. This is roughly half the recommended provision contained within policy COM 8 which recommends up to 1 space per 4 dwellings. The applicant suggests that the provision complies with the requirement of the policy as the policy requires 'up to' 1 space per four dwellings. While the 1 per 4 dwellings requirement is set as a maximum within the parking standards, it is considered debatable whether the provision of 18 spaces is likely to be adequate for the scheme of 143 houses. This may result in additional on street parking within the scheme, however it is likely that such parking would take place on streets within the parcel rather than spilling out onto the primary spine roads or Newmarket Road.
- 7.48 The site will be well-served by cycle routes as the outline permission requires a new cycle path from north western corner of the site to Ness Road with cyclepaths to be provided along Newmarket Road to connect Burwell to Exning to the east. Policy COM 8 requires that cycle parking be provided at a level of 1 cycle space per dwelling. Such provision could be made in the garden sheds which are shown indicatively on the layout plans and adequate provision would be secured by condition.
- 7.49 The scheme now provides a third area of open space on the parcel. In addition to the open space at the northern and western corners of the site an additional wedge-shaped area of open space has been provided in the centre of the parcel. This brings the scheme more into line with the development framework drawing approved at outline stage and provides a focal landscaped space in the centre of

the parcel. Additional tree planting is also now proposed within most streets, including along the southern side of the secondary spine road and the streets leading from the spine roads to the central open space.

7.50 While the landscaping of the parcel does not appear to have been at the core of the design approach, it has been improved during the application process and while a strategic approach could have delivered more clarity of character through landscaping, and a less dense scheme would have allowed more space for a cohesive approach, the open space and planting now proposed is, on balance, considered to be acceptable. The adoption and maintenance of areas of open space within the wider site are the subject of provisions within the s106 agreement on the outline permission. The agreement requires the developer to offer the management of areas of public open space in a cascade approach – first to the Council, then to the Parish Council. Should neither body wish to take on the maintenance they would then be placed in a management company.

7.51 Scale and Appearance

7.52 The house types used are primarily detached and semi-detached with three terraced blocks of three in the denser core areas. The scale of dwellings in the proposed scheme is a mixture of two storey dwellings and two and a half storey dwellings with a single pair of bungalows within the central core of the site. The two storey dwellings are between approximately 8 metres (~26ft) and 8.5 metres (~28ft) in height while the two and a half storey dwellings which have two storey elevations and rooms in the roof are approximately 9 metres (~29.5 ft) in height.

7.53 The two and a half storey dwellings have been used on the outward facing edges of the parcel to provide an increased presence where dwellings face onto open space and onto Newmarket Road and occasionally on internal streets, sometimes opposite approaching roads which provides an end point to views along those streets. The use of two and a half storey dwellings on corner plots on the Newmarket Road frontage provides improves the legibility of the streets and will assist in wayfinding. The majority of dwellings on the internal roads within the scheme are two storeys in height.

7.54 The appearance of the dwellings proposed initially was not considered to be of an acceptable quality nor to adequately reflect the character of Burwell. Significant changes have been made to the appearance of the dwellings over the course of the application to try to ensure the proposed development reflects the context of Burwell and that the dwellings are of a good design quality generally. In particular, the dwellings along the Newmarket Road frontage incorporate features that are found within the historic areas of Burwell including mock sash windows, brick corbel eaves detailing, portico style canopies and chimneys. Elsewhere on the site fenestration patterns have been improved and, notably significant improvements have been made to corner-turning buildings providing more active frontages on return elevations and increased roof pitches to enhance the corner plots and increase legibility.

7.55 The materials proposed to be used have also been reconsidered to reflect the character of Burwell. Render has been incorporated on key dwellings and the primary bricks used would be gault or yellow. While some details of materials have been provided, it is considered that the provision of further details including on site

sample panels for main and detailing bricks is required in order to ensure an acceptable final appearance. That provision would be secured via condition.

- 7.56 The design quality of the scheme has undoubtedly improved significantly from initial submission to the final layout now under consideration, both in respect of its layout, the inclusion of additional open space and the design aesthetic. While concerns remain regarding the number of dwellings on the parcel and the balance of development across the wider site, it is considered that this issue can likely be addressed during the later development of Phase 3, which could provide fewer dwellings at a lower density, perhaps with increased areas of open space. The development is therefore, on balance considered to accord with policy HOU 2 in respect of the housing density. The design of the scheme on this parcel is now considered to be of an acceptable level sufficient that it complies with the requirements of Local Plan policies ENV 1 and ENV 2 and the design guide SPD.
- 7.57 Residential Amenity
- 7.58 Policy ENV 2 of the Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers of new dwellings enjoy high standards of amenity. This policy accords with Chapter 12 (particularly paragraph 130) of the National Planning Policy Framework (NPPF) which aims to achieve high standards of amenity.
- 7.59 The Phase 1 parcel is located well away from neighbouring properties to the west such that the built form of the development would cause no significant harm to the amenity of residents of those properties. The Newmarket Road frontage of the scheme would face towards existing dwellings on the opposite side of Newmarket Road, however again, given the separation distances involved (between 25 and 30 metres to front garden boundaries), it is not considered that any harm from the built form or overlooking would result.
- 7.60 The construction phase of any large residential development poses potential amenity issues in respect of noise, dust and light pollution. The outline permission was granted subject to Condition 19 which requires that no development commence until a Construction Environmental Management Plan for that phase has been submitted and approved. That condition satisfactorily secures the mitigation of the impact of development phase on neighbours.
- 7.61 The Council's Environmental Health Officer has requested a condition securing a Piling Method Statement in the event that piling is required as part of the development. Condition 25 of the outline permission already secures such a measure and the impact of piling on the amenity of neighbours during the construction phase has therefore already been addressed.
- 7.62 The layout and design of the dwellings would afford occupants an acceptable level of amenity and privacy. Back to back distances of 20 metres between dwellings have been achieved across the scheme and acceptable window to blank wall distances are also achieved.
- 7.63 Garden on all plots except the maisonettes exceed the standard set within the Council's Design Guide SPD of 50m². While the smaller sized gardens for the

maisonettes is regrettable, there is a significant level of provision of public open space within the approved wider site and the Design Guide does state that the garden size requirement applies 'in most cases' and it is considered that the scheme complies with this requirement.

- 7.64 As detailed above, parking provision is generally adequate for dwellings across the scheme being on average at least two spaces per dwelling. The maisonettes on site are only provided with one space, however as these are smaller units of which there are only a few, that provision is unlikely to be significantly detrimental to the amenity of the occupants of those dwellings.
- 7.65 In order to ensure that an acceptable level of access and maintenance of streets is secured, the LHA has requested that conditions be applied to the scheme relating to the construction of access roads, paths and cycleways and the management and maintenance of streets. These conditions were applied to the outline permission and do not need to be repeated for the reserved matters. The LHA also requests that the provision of access, turning and parking spaces and the ongoing provision of visibility splays be secured. These will both be secured by condition and the former will be sufficient to ensure that parking spaces on site be provided and retained in perpetuity. The gating of accesses and parking spaces would also be restricted by condition. Where parking is provided in car ports, as on some of the dwellings fronting the eastern spine road, permitted development rights for the conversion or alteration of those car ports would be removed to ensure ongoing provision.
- 7.66 It is therefore considered that the proposed development would not cause any significant harm to the amenity of current Burwell residents and that it would provide an acceptable level of residential amenity to future occupiers of the scheme, in accordance with policy ENV 2 and the Design Guide SPD.
- 7.67 Historic Environment
- 7.68 LP policy ENV 12 states that proposals that affect the setting of a Listed Building will only be permitted where they would preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset; not materially harm the immediate or wider setting of the Listed Building; and facilitate the long-term preservation of the building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.
- 7.69 The outline application considered the impact of the development on the setting of listed buildings, the nearest of which is the Grade II listed Mill to the north of Melton's farmhouse. The development of the wider site retains an area of open space in the area nearest to that building and the outline application found that the proposed development would have a limited impact on that building. The current proposal, in fact, locates development further from that boundary than was shown in the outline application and the development, given the limited height of the proposed dwellings, is considered to have a neutral impact on that building.

- 7.70 On that basis, the proposed development is considered acceptable in terms of its impact on listed buildings in accordance with the requirements of LP policy ENV 12.
- 7.71 LP policy ENV 14 requires that development affecting all sites of known or potential archaeological interest have regard to their impact on those assets and protect enhance and conserve archaeological remains.
- 7.72 The archaeological interests of the current site and wider site are significant and archaeological condition was applied to the outline permission requiring that no development occur in a particular phase until a programme of archaeological work had been carried out.
- 7.73 A pre-commencement archaeological excavation conducted under that condition, which predominantly occupied the Phase 1 area has uncovered a major Late Bronze Age to early Iron Age settlement (c. 9th-7th centuries BC) of around 30 post-built round houses, rectangular buildings and structures, wells and a large number of storage pits cut deeply into the chalk bedrock. Further investigative archaeological work is not required as part of the current scheme.
- 7.74 The CCC Archaeology Team suggests that as place-shaping is an important aspect of new settlements, interpretation of the historic landscape ought to be included in the design proposals for the development. It has suggested that an interpretation board in one of the public spaces in the scheme be required by condition. It is considered that the area to the western tip of the site where pedestrian access is provided onto Newmarket Road would be a suitable location for such interpretation. Secured by condition, the provision of an interpretation board would assist in the historic understanding of the site and enhance the archaeology interests of the site.
- 7.75 On that basis, the proposed development is considered acceptable in respect of its impact on the archaeology in accordance with LP policy ENV 14.
- 7.76 Ecology and biodiversity
- 7.77 LP policy ENV 7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the Council will among other criteria, promote the creation of an effective, functioning ecological network. The Council have recently adopted a Natural Environment SPD and all development proposals would be expected to provide environmental enhancements proportionate to the scale and degree of the development proposed.
- 7.78 The outline permission established that across the wider site the ecological impact of the development of up to 350 homes could be acceptably mitigated and included a condition requiring the carrying out of the development in accordance with the key recommendations and precautionary methods contained within the ecological surveys submitted at the time of that application.
- 7.79 Those enhancement recommendations included the installation of bat tubes; bird boxes suitable for house martins, house sparrow, dunnock and starling; native and wildlife attracting planting; hedgerow boundary planting or along access roads; and reptile hibernacula such as log and rock piles. Such measures are considered to

remain appropriate. The documents considered as part of the outline application were necessarily general in scope as the layout of phases was unknown and it is therefore considered necessary to require the submission of a detailed ecological enhancement scheme for this phase. On the basis that such a scheme is secured by condition, the proposed development would secure an acceptable biodiversity enhancement and comply with LP policy ENV 7 and the Natural Environment SPD.

7.80 Flood Risk and Drainage

7.81 LP policy ENV 8 states that all developments should contribute to an overall flood risk reduction, demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site, and that issues of ownership and maintenance are addressed. The use of Sustainable Drainage Systems will be required for new developments.

7.82 The site is at low risk of flooding and the outline application demonstrated that surface water could be deal with on the wider site as it had been established that infiltration drainage was feasible. That application was granted subject to a condition requiring that detailed drainage schemes for each phase of development be submitted and approved prior to the granting of any Reserved Matters applications for that phase.

7.83 A detailed surface water drainage scheme has been submitted in respect of Phase 1 under reference 15/01175/DISI and the Lead Local Flood Authority has confirmed that it is acceptable and sufficient to satisfy the requirements of the condition. On that basis, it is considered that the scheme has demonstrated that it can adequately provide surface water drainage and is acceptable in that regard. As the drainage scheme is secured by condition on the outline, no further condition is required in respect of this reserved matters application. As the condition on the outline application states that the condition must be discharged prior to the approval of the reserved matters application, and as that condition has not yet been formally discharged, delegated powers are being sought to approve the application once the outline condition has been formally discharged.

7.84 The principle of the site to provide adequate foul drainage for 350 dwellings was considered at outline stage. Anglian Water advised that there was the capacity at Burwell Water Recycling Centre to accommodate the flows from the development, however it and the Environment Agency required that improvements to the existing sewerage system would be required. The outline permission was therefore granted subject to a condition requiring that no development commence until a foul water strategy, including a scheme for the improvement and/or extension of the existing sewerage system, has been submitted and approved. The applicant has submitted such a scheme in respect of Phase 1 under reference 15/01175/DISI. That scheme is still being considered by statutory consultees, however the presence of the condition on the outline permission gives sufficient assurance that development of the site will not take place unless an acceptable foul drainage scheme is in place.

7.85 On the basis of the above, the development is considered to comply with the requirements to provide adequate drainage in accordance with LP policy ENV 8.

7.86 Energy and Sustainability

7.87 The adopted Climate Change SPD predominantly focusses on providing additional guidance to the implementation of LP policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 states all proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. It goes on to state that applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction, as set out in the Code for Sustainable Homes (or its successor), demonstrating that developments of 5 or more dwellings would achieve energy efficiency improvements 20% above Building Regulations (as at Jan 2021), as set out in CC1 of the SPD.

7.88 The outline permission considered the sustainability of the scheme and required the submission of an Energy and Sustainability Strategy alongside any reserved matters application for buildings, via condition 14 of that permission. Such a strategy has been submitted alongside this application. The measures identified within that strategy as feasible in this case are a fabric first approach to the construction of buildings which seek to reduce energy demands by building energy efficient buildings and the use of a mix of solar panels and air source heat pumps.

7.89 However, the Council's Building Control team has previously advised that any dwellings not commenced on site by 14 June 2023 would need to comply with the latest Part L Building Regulations, which would exceed the carbon reduction that ENV 4 and CC1 seek to achieve. In this regard therefore, the development would automatically meet and exceed the aims of CC1 and ENV 4. In essence, the requirements of the SPD and, as a result, the condition attached to the outline permission, have been superseded by latest Building Regulations - Part L.

7.90 Concern has been expressed locally regard the level of detail provided in the strategy and the extent of its ambition and specifically regarding the location of solar panels and the provision of vehicle charging points. While these concerns are understood, as stated above, the requirements for energy efficient and sustainable development required by policy will be met and exceeded via the 2021 update of Part L Building Regulations. It is therefore unreasonable to require the strategy to go further than it currently does in respect of the provision of renewable energy or energy efficiency.

7.91 On that basis, the proposed development is considered to comply with the requirements of condition 14 of the outline permission, LP policy ENV 4 and the Climate Change SPD.

7.92 Other Material Matters

7.93 *Healthcare contributions*

7.94 NHS England has requested that the impacts of the development on healthcare provision be fully assessed and mitigated by way of a developer contribution. It is noted that the NHS did not comment at Outline stage at which point the impact of

the development in principle, including in respect of the burden of additional residents on local infrastructure, was considered. It was decided at that stage that healthcare contributions were listed on the Council's 123 list and therefore a contribution under the outline permission would have been double-counting. This current application seeks approval of the reserved matters of appearance, scale, layout and landscaping and such issues in-principle issues of the residential development cannot be reconsidered at this stage. NHS England's comments regarding securing contributions toward healthcare are noted and will be passed to the CIL team – however, it would not be possible under this application to secure contributions and matters of CIL funding fall outside of the regulatory framework of the planning system.

7.95 *Firefighting*

7.96 A request for fire hydrant details has been made by Cambridgeshire Fire and Rescue. Condition 13 of the outline permission already satisfactorily secures this detail to be agreed prior to commencement of development of each phase.

7.97 The submitted Fire Tender swept path analysis demonstrates that a fire tender can adequately access the site for the purposes of firefighting.

7.98 *Footpath connection points*

7.99 Consultation responses received in respect of the current application raised concerns in respect of footpath connections through to the neighbouring Felsham Chase neighbourhood and potential impacts of increased footfall. However, the Phase 1 site has no direct boundary with Felsham Chase or its neighbouring streets and it is therefore not considered that the layout of Phase 1 has any significant impact in that regard.

7.100 Planning Balance

7.101 The proposed reserved matters scheme for the Phase 1 parcel is considered to accord with the outline planning permission and the development framework drawing approved at that stage and is therefore acceptable in principle.

7.102 It is acceptable in respect of the level of amenity it would provide to future residents and its impact on the residential amenity of existing neighbours, the historic environment, biodiversity and ecology, and flood risk and drainage. It would also comply with the requirements of the Council's planning policies relating to energy and sustainability.

7.103 The design of the scheme in respect of the detailed matters of layout, landscaping, scale and appearance, is now considered of an acceptable quality. Lengthy negotiations on and revisions to the scheme have been undertaken since the submission of the application and these have significantly improved the design quality. While the design quality achievable on the scheme has undoubtedly been constrained by the housing numbers proposed for this phase of the wider development, officers are of the view that the current scheme achieves an acceptable design quality.

- 7.104 The scheme is not without its weaknesses – as detailed above, the number of dwellings proposed on the parcel is a higher proportion of the overall number approved on the wider site than is ideal and will lead to challenges in delivering a scheme with a cohesive character across that wider site, particularly in respect of Phase 3. However, these challenges are not considered to be insurmountable. The scheme also skews its market housing mix towards larger dwellings and while some justification has been provided to support the acceptability of that approach, that matter is finely balanced. Ultimately, officers are of the view that the mix can be considered to contribute to local housing needs and is, on balance, acceptable.
- 7.105 The scheme does provide a policy compliant level of good quality affordable housing as required by the outline permission and the mix and tenure of the housing is acceptable in respect of the local need.
- 7.106 Having weighed the strengths and weaknesses of the scheme, it is the opinion of officers that the scheme proposed in the reserved matters application is of an acceptable standard of design and that it broadly complies with the Local Plan as a whole. The adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal. On that basis, the application is recommended for approval.

8.0 COSTS

- 8.1 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 costs award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie 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.
- 8.3 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.

9.0 APPENDICES

- 9.1 Appendix 1 – Outline Decision Notice (15/01175/OUM)
9.2 Appendix 2 – Schedule of proposed conditions

Background Documents

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>

The planning records for the following applications:

15/01175/OUM, 15/01175/NMAA, 15/01175/NMAB, 20/01755/RMM, 22/00420/RMM

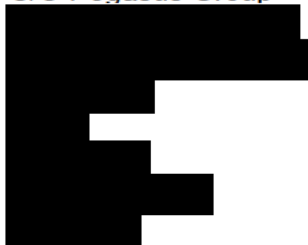


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Cambridgeshire County Council
C/O Pegasus Group



This matter is being dealt with by:

Rebecca Saunt

Telephone: 01353 616357
E-mail: rebecca.saunt@eastcambs.gov.uk
My Ref: 15/01175/OUM
Your ref

31st October 2019

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following:

Proposal: Redevelopment of land at Newmarket Road, Burwell to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure
Location: Land At Newmarket Road Burwell
Applicant: Cambridgeshire County Council

This consent for outline planning permission is granted in accordance with the application reference **15/01175/OUM** registered 2nd October 2015.

Subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

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

Plan Reference	Version No	Date Received
CAM.0985_26		2nd October 2015
CAM.0985_03-8	B Indicative	15th March 2017
PHASE 1 CONTAMINATED LAND RSA RESPONSE		2nd October 2015 11th May 2017
PHASE 1 HABITAT SURVEY		2nd October 2015
TRANSPORT ASSESSMENT		2nd October 2015

FLOOD RISK ASSESSMENT	2nd October 2015
LANDSCAPE AND VISUAL STRATEGY	2nd October 2015
REPTILE SURVEY	2nd October 2015
BREEDING BIRD SURVEY	2nd October 2015
TRAVEL PLAN	2nd October 2015
ARCHAEOLOGICAL DESK BASED ASS	2nd October 2015
ARCHAEOLOGICAL EVALUATION REPORT	2nd October 2015
SERVICES APPRAISAL	2nd October 2015
PRE PLANNING ASSESSMENT REPORT	2nd October 2015
INFILTRATION RESULTS	2nd October 2015
HIGHWAYS POSITION STATEMENT	15th March 2017
J281/SK06	15th March 2017
DRAINAGE	13th November 2015
J281/SK/01	15th March 2017

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- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters for phase 1 shall be made within 2 years and subsequent applications for the approval of the reserved matters within 5 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 Unless otherwise required by other Planning Conditions attached to this planning permission, the development hereby permitted shall be carried out in accordance with the principles of the Development Framework Plan Drawing No. CAM.0985_03-8B.
- 4 Reason: To ensure the development is carried out in accordance with the approved Development Framework Plan and accords with policy ENV2 and BUR1 of the East Cambridgeshire Local Plan 2015.
- 5 As part of or prior to the determination of the first Reserved Matters application, a Site-wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site-wide Phasing Plan shall provide the following information and state when each of the requirements will be delivered:
 - a) Broad details of the intended sequence of development across the entire area;
 - b) The extent and location of the likely development phases and parcels and broad details of the type of development envisaged in each phase (which may include infrastructure only phases);
 - c) Location of vehicular access off Newmarket Road, roads, footpaths and cycleways associated with each phase;
 - d) The location of self-build dwellings;
 - e) The location of dwellings that are to be built to be suitable or easily adaptable for occupation of the elderly or people with disabilities (Lifetime Homes standard or equivalent)
 - f) Structural landscaping and advanced structural landscaping associated with each phase;
 - g) The sports hub; and
 - h) Informal open spaces and recreational areas.

No development other than Enabling Works shall commence until such a time as a Site-wide Phasing Plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Site-wide Phasing Plan, or any subsequent amended plan pursuant to this condition.

- 5 Reason: To ensure the development is delivered in a structured way in accordance with the principles of the Development Framework Plan Drawing No. CAM.0985_03-8B, in accordance with policies HOU1, ENV2, COM7 and BUR1 of the East Cambridgeshire Local Plan 2015.
- 6 Within any reserved matters application for landscaping details pursuant to this approval, the details required by condition 2 shall include detailed landscape designs, specifications and timescales for implementation for the associated reserved matters site. The details shall be accompanied by a design statement that demonstrates how the landscaping scheme accords with any emerging or approved details and shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) 1:100 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads through the development.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Details and specification of proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works.

Hard Landscaping

- a) The location and specification of structures, including furniture, refuse or other storage units, signs and lighting columns/brackets.
- b) Details of all hard surfacing materials (size, type and colour)

The works shall be carried out in accordance with the approved details.

- 6 Reason: To ensure, as the development is built out in phases, it satisfactorily assimilates into the area and enhances the development in accordance with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan (2015) using the unique rural setting to provide a special place and provide multi functional green infrastructure as an integral part of the design and layout.
- 7 The dwelling mix for any phase of the development containing dwellings shall provide a mix of dwelling types and sizes that contribute to the housing needs and demand of the locality at the time of submission of the Reserved Matters application for each phase. The Reserved Matters applications shall be accompanied by a statement explaining the approach taken to housing needs and demand. The dwellings shall be provided in accordance with the approved details.
- 7 Reason: To ensure that the development provides a satisfactory mix of dwelling types in accordance with policy HOU1 of the East Cambridgeshire Local Plan 2015.

- 8 Any reserved matters application for residential development which includes 'self-build' plots shall include a plan showing the distribution of the 'self-build' plots. There will be 17 'self-build' plots in total across the whole of the site and they shall be provided in accordance with the approved details.
- 8 Reason: To ensure that the development provides a satisfactory mix of dwelling types in accordance with policy HOU1 of the East Cambridgeshire Local Plan 2015.
- 9 Any reserved matters application for residential development shall include a plan showing the distribution of market and affordable housing and a schedule of dwelling size (by number of bedrooms). All affordable housing shall, in accordance with best practice, be designed to be tenure blind. The affordable houses shall be provided in accordance with the approved details.
- 9 Reason: To ensure the delivery of a balanced community, in accordance with policy HOU3 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall commence in a particular phase 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. This written scheme will include the following components, completion of which will trigger the phased discharging of the condition:
- i) Approval of a Written Scheme of Investigation to include the excavation and recording of archaeological remains and an appropriate outreach element;
 - ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
 - iii) Completion of a Post-Excavation Assessment Report (PXA) and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.
 - iv) Completion of the programme of analysis and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
 - v) Production of an archive report and the preparation of site archive for deposition at the Cambridgeshire Archive facility, or another appropriate store approved by the Planning Authority;
 - vi) Preparation of suitable materials for secure local display in an appropriate public space.
- Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme.
- 10 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.
- 11 Development in a particular phase shall not commence 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.

- 11 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.
- 12 If, during the development of a phase, 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.
- 12 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.
- 13 No above ground construction shall take place in a particular phase until a scheme for the provision and location of fire hydrants to serve that phase 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 for that phase shall be installed and completed in accordance with the approved details prior to the occupation of any part of that phase.
- 13 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with policies GROWTH3 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to or as part of the first reserved matters application for each phase, 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.
- 14 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.
- 15 To the extent that the reserved matters applications include external public spaces or roads which are not intended to be adopted by the highways authority (e.g. private roads, playgrounds and sports pitches), such applications will be accompanied by a Light Management Plan (LMP) for the relevant areas, for approval by the Local Planning Authority. The LMP shall set out details of proposed permanent external lighting including luminosity and hours of operation. It shall also set

out timescales for implementation. The relevant external lighting shall only be provided and operated in accordance with the approved LMP.

- 15 Reason: To protect reasonable residential amenity of future occupiers of the site and those adjacent, to accord with policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 16 Before any reserved matters application for development involving buildings, roads or other impermeable surfaces is approved, a detailed surface water drainage scheme for that reserved matters scheme, based on the agreed surface water drainage documents (CCE/J281FRA-02 dated July 2015) shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

No development shall take place until details of the implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 16 Reason: To prevent the increased risk of flooding, 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.
- 17 No development shall commence until a foul water strategy, which includes a scheme for the improvement and/or extension of the existing sewerage system, has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved details of the foul water strategy.
- 17 Reason: To prevent environmental and amenity problems arising from flooding, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. This condition is prior to commencement as these details need to be agreed before construction begins.
- 18 Prior to the commencement of development in a particular phase, a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority. The DWMMP shall include details of:
- a) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction
 - b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste
 - c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
 - d) any other steps to ensure the minimisation of waste during construction.
 - e) the location and timing of provision of facilities pursuant to criteria a/b/c/d.
 - f) proposed monitoring and timing of submission of monitoring reports.
 - g) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.
 - h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material
 - i) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external

segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles. The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

- 18 Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.
- 19 Prior to the commencement of development in a particular phase, a Construction Environmental Management Plan (CEMP), shall be submitted to an approved in writing by the local planning authority. The CEMP shall accord with and give effect to the waste management principles set out in the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy. The CEMP shall include the consideration of the following aspects of construction:
- a) Site wide construction and phasing programme
 - b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers
 - c) Construction hours
 - d) Delivery times for construction purposes
 - e) Soil Management Strategy including a method statement for the stripping of top soil for re-use; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883 (2009) and / or its subsequent amendments
 - f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009) and / or its subsequent amendments
 - g) Maximum noise mitigation levels for construction equipment, plant and vehicles
 - h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009) and / or its subsequent amendments
 - i) Setting maximum vibration levels at sensitive receptors
 - j) Dust management and wheel washing measures to prevent the deposition of debris on the highway
 - k) Site lighting
 - l) Drainage control measures including the use of settling tanks, oil interceptors and bunds
 - m) Screening and hoarding details
 - n) Access and protection arrangements around the site for pedestrians, cyclists and other road users
 - o) Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures.
 - p) External safety and information signing and notices
 - q) Liaison, consultation and publicity arrangements including dedicated points of contact
 - r) Consideration of sensitive receptors
 - s) Prior notice and agreement procedures for works outside agreed limits
 - t) Complaints procedures, including complaints response procedures Membership of the Considerate Contractors Scheme
 - u) Location of Contractors compound and method of moving materials, plant and equipment around the site
 - v) An Emergency Incident Plan for dealing with potential spillages and / or pollution incidents.

The Construction Environmental Management Plan shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

- 19 Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers in accordance with polices ENV2 and ENV9 of the East Cambridgeshire Local Plan; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.
- 20 No development shall take place on the phase for the sports hub as detailed on the Development Framework Plan Drawing No. CAM.0985_03-8B until the following information has been submitted to and agreed in writing with the local planning authority:
- a) A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
- The works shall be carried out in accordance with the approved scheme within a timescale to be approved in writing by the Local Planning Authority.
- 20 Reason: To ensure that site surveys are undertaken for new playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 21 The playing fields shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 21 Reason: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 22 Prior to the bringing into use of the new playing fields and sports hub a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing fields.
- 22 Reason: To ensure that new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport in accordance with National Planning Policy Framework (NPPF) paragraph 74 and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 23 The specific rated noise level emitted from plant or machinery (associated with the sports hub) located on the site shall not exceed the existing background noise level or 35dB, whichever is the higher. The noise levels shall be measured and/or calculated at the boundary of the nearest noise

sensitive property. The noise level shall be measured and/or calculated in accordance with BS4142:2014.

- 23 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 24 Construction times and deliveries during the construction and demolition phases shall be limited to within the following hours:
- 07:30-18:00 each day Monday - Friday
07:30-13:00 Saturdays
None on Sundays, Bank Holidays or Public Holidays
- For the avoidance of doubt this means during the construction phase no machinery or plant shall be operated outside of the above times.
- 24 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 25 If piling activities are required within 40metres of the boundary of the application site, the method of piling shall be agreed in writing with the local planning authority prior to commencing the activity and the method agreed shall be adhered to.
- 25 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 26 During construction any site based mobile plant (excluding HGV's) shall have broadband reversing alarms.
- 26 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 27 The development shall be completed in accordance with the key recommendations and precautionary methods and additional recommendations of the Phase 1 Habitat Survey carried out by James Blake Associates, dated June 2015, the recommendations and enhancement recommendations of the Reptile Survey carried out by James Blake Associates, dated June 2015 and the recommendations of the Breeding Bird Survey carried out by James Blake Associates, dated June 2015.
- 27 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 28 The access(s), cycleway (s) and footway (s) are to be in accordance with the Designers Response (March 2017) and as per drawing number J281/SK/01 Rev F.
- 28 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 29 Prior to the occupation of the first dwelling the provision of a 3 metre wide shared footway/cycle from the site access, continuing west to Burwell Surgery shall be constructed and brought into use as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.

- 29 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 30 Prior to the occupation of the first dwelling the site access off Newmarket Road shall be provided with a right turn lane as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 30 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 31 A 4 metre wide shared footway/cycleway shall be constructed and brought into use from the site, continuing west onto Ness Road, as shown in principle on drawing J281/SK/06 dated 28/04/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the second phase of development. As part of the submission, details of the timescale for delivery shall be submitted to and agreed in writing with the Local Planning Authority.
- 31 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 32 Prior to the occupation of the first dwelling a new bus stop shall be provided on the northern side of Newmarket Road, the stop shall include but not be limited to raised kerbs, flag, time table and painted bus cage, as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 32 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 33 Prior to occupation of the first dwelling the two bus stops on the southern side of Newmarket Road directly opposite the site shall be upgraded, the upgrades shall include but not be limited to raised kerbs, flag, time table and painted bus cage, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 33 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 34 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of a Travel Plan Co-ordinator to give advice.
- 34 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 35 Prior to occupation of the first dwelling, the Developer shall be responsible for the provision and implementation of welcome packs for sustainable transport, approved by Cambridgeshire County Council, to include six one day travel vouchers for use with the relevant local public transport operator. The packs shall be provided to the first occupiers of each new residential unit on the development site.
- 35 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 36 Prior to first occupation of any dwelling the road(s), footways(s) and cycleway(s), within a phase of development, shall be constructed to at least binder course surfacing level from the dwelling to the

adjoining County road in accordance with the details approved in writing by the Local Planning Authority.

- 36 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 37 No development shall commence, with the exception of below ground works, until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 37 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 A Road Safety Audit 2 will be required and the design must include all of the details agreed within the designs response (March 2017) RSA 1.
- 2 This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
- 3 No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.
- 4 Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.
- 5 East Cambridgeshire District Council is a Community Infrastructure Levy (CIL) Charging Authority. All applicants for full planning permission, including householder applications and reserved matters following an outline planning permission, and applicants for lawful development certificates are required to complete the CIL Additional information Requirement Form - https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

Exemptions from the Levy are available but must be applied for and agreed before development commences, otherwise the full amount will be payable.

For more information on CIL please visit our website <http://www.eastcambs.gov.uk/planning/community-infrastructure-levy> or email cil@eastcambs.gov.uk.

- 6 East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the Owners/residents to take sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over loose gravel/shingle driveways.

Under 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 power being re-enforced in the Local Government Acts of 1972, 2000, 2003, as well as the Localism Act of 2011.

Each new property requires two bins; this contribution is currently set at £43 per property.

Payment must be made in advance of bins being delivered; East Cambs District Council [REDACTED], reference should be the planning application number [REDACTED] followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

- 7 This development should be carried out in strict accordance with the provisions of the Environment Agency letter, which attaches to this consent.
- 8 The decision to approve this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be in accordance with the policies of the Development Plan, that are considered to be up to date, and represents 'sustainable' development in compliance with the provisions of the NPPF. The policies in themselves have been sufficiently explicit to guide the submitted application and acceptable plans and information has been submitted, therefore no amendments/improvements have been sought from the applicant.
- 9 This decision notice should be read in conjunction with the Section 106 Obligation dated 30th October 2019 and the development completed in strict accordance with the provisions contained therein, to the satisfaction of the Local Planning Authority.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES **NOT** CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER

[REDACTED]

Rebecca Saunt

Planning Manager

Dated: 31st October 2019

Appendix 2 – Schedule of Proposed Conditions

Approved Plans

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

<u>Plan reference</u>	<u>Ver</u>	<u>Date received</u>
500-LP-PH1-01	A	31st March 2022
500-SK-PH1-01	C	13th July 2023
500-SK-PH1-02	C	13th July 2023
500-SK-PH1-03	C	13th July 2023
500-SK-PH1-08	C	13th July 2023
500-SK-PH1-07	E	13th July 2023
500-SK-PH1-05	C	13th July 2023
500-SK-PH1-09	C	13th July 2023
HWK.pe1	A	13th July 2023
EVE.pe1	B	13th July 2023
MOU.pe1	C	13th July 2023
MOU.pe2	C	13th July 2023
MOU.pe3	A	13th July 2023
MYL.pe1	C	13th July 2023
LEV.pe1	C	13th July 2023
LEV.pe3	B	13th July 2023
PEM.pe1	B	13th July 2023
PEM.pe2	B	13th July 2023
ASL.pe1	B	13th July 2023
ASL.pe2	A	13th July 2023
FLE.pe1	C	13th July 2023
FLE.pe2	B	13th July 2023
COL.pe1	B	13th July 2023
KNI.pe1	C	13th July 2023
KNI.pe3	C	13th July 2023
KNI.pe4		13th July 2023
NAS.pe1	A	13th July 2023
NAS.pe2		13th July 2023
ASHER V1 GROUP-PAR-CAS01-XX-D2-A-AS-0801	A	13th July 2023
ASHER V2 GROUP-PAR-CAS01-XX-D2-A-AS-0801	A	13th July 2023
COOPER V1 GROUP-PAR-CC001-XX-D2-A-AS-0801	B	13th July 2023
COOPER V2 GROUP-PAR-CC001-XX-D2-A-AS-0801	B	13th July 2023
GROUP-PAR-BFLA00-XX-D2-A-AS-B801	A	13th July 2023
GROUP-PAR-CSP01-XX-D2-A-AS-0801	B	13th July 2023
GROUP-PAR-BWOR00-XX-D2-A-AS-B801		31st March 2022
ELMSLIE V1 GROUP-LIN-BELM01-XX-D2-A-AS-B801		10th October 2022
ELMSLIE V1 GROUP-LIN-BELM01-XX-D2-A-AS-B801		10th October 2022
GROUP-VIS-CGAR01-XX-D2-A-AS-0401		10th October 2022
GROUP-VIS-CGAR05-XX-D2-A-AS-0801		10th October 2022
GROUP-VIS-CGAR06-XX-D2-A-AS-0801		10th October 2022
GROUP-VIS-CGAR10-XX-D2-A-AS-0801		10th October 2022
EDMS-200	A	13th July 2023
EDMS-600	A	13th July 2023

EDMS-601	A	13th July 2023
GL1688 01	E	13th July 2023
GL1688 02	E	13th July 2023
GL1688 03	E	13th July 2023
GL1688 04	E	13th July 2023
GL1688 05	E	13th July 2023
GL1688 06	E	13th July 2023
GL1688	A	10th October 2022
GL1688 08	A	13th July 2023
GROUP-VIS-S-EX-D2-A-FC-207		31st March 2022
GROUP-VIS-S-EX-D2-A-FC-0210		31st March 2022
GROUP-VIS-S-EX-D2-A-FC-0213		31st March 2022
GROUP-VIS-S-EX-D2-A-FC-0215		31st March 2022
GROUP-VIS-S-EX-D2-A-FC-0261		31st March 2022
ST-3163-800	C	13th July 2023
ST-3163-801	C	13th July 2023
ST-3163-802	C	13th July 2023
ST-3163-600A	F	13th July 2023
ST-3163-601A	F	13th July 2023

- Reason: To define the scope and extent of this permission

Materials

- No above ground construction shall take place on site until details of the external materials, windows doors and roof windows to be used on the development have been submitted to and approved in writing by the Local Planning Authority. A sample panel measuring no less than 1 metre square shall be constructed on site showing details of the proposed brickwork; including colour, texture, bond, pointing and mortar mix to enable a site inspection by the Local Planning Authority. The panel shall remain on site for the duration of the development and once the development is completed the sample panel shall be removed. All works shall be carried out in accordance with the approved details.
- Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Hard surfacing

- No above ground construction shall take place on site until details of the surfacing finish of all roads, turning areas, driveways, paths, parking spaces and other hardstandings (excluding those surfaces which are proposed for adoption by the Local Highways Authority) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Landscaping Implementation, Management and Timescales

4. No above ground development shall take place on site until a timescale for the implementation of the approved soft landscaping scheme on site and a Landscape Management and Maintenance Plan for the on-site soft landscaping covering a minimum period of 20 years from the completion of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved soft landscaping scheme shall be fully implemented in accordance with the approved timescale and the soft landscaping managed and maintained in accordance with the approved Plan, unless otherwise agreed in writing by the Local Planning Authority. Any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.
4. Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity and biodiversity value of the development in accordance with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015.

Lighting

5. No above ground construction shall take place on site until a lighting scheme for all streets which are not to be adopted by the Local Highways Authority shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the specification of lights, the locations and heights of lighting columns and the light levels to be achieved over the intended area and the surrounding area. The approved scheme shall thereafter be implemented on site prior to first occupation of any dwelling served by an unadopted street and retained as such thereafter.
5. Reason: To safeguard the residential amenity of occupiers and the visual impact of the development in accordance with policies ENV 1 and ENV 2 9 of the East Cambridgeshire Local Plan 2015.

Solar Panels

6. No construction above eaves level on any dwelling shall take place until details of the solar panels to be fitted to that dwelling have been submitted to and approved in writing by the Local Planning Authority.
6. Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Boundary Treatments

7. No boundary treatments shall be constructed on site unless details of those boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. Thereafter all works shall be carried out in accordance with the approved details.
7. Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Cycle Storage

8. Prior to the first occupation of any dwelling not served by a garage, that dwelling shall be provided with a cycle shed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle shed shall thereafter be located within the rear garden prior to the occupation of that dwelling.
8. Reason: In order to provide for and encourage sustainable modes of travel in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

Biodiversity

9. Prior to the first occupation of the site, a scheme of site-wide biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
9. Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.

Archaeological Interpretation

10. Prior to the first occupation of the site, the design, content, materials and location of an archaeological interpretation board shall be submitted to and approved in writing by the Local Planning Authority. The approved interpretation board shall be installed on site prior to the first occupation of the development and thereafter retained.
10. Reason: To provide an appropriate level of archaeological understanding and interpretation in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015.

Access, Parking and Turning

11. Prior to the first occupation of any dwelling on site, the approved access(es), parking and turning area(s) serving that dwelling shall be levelled, surfaced, drained and made available to enable vehicles to enter, turn and leave the site in forward gear and to park

clear of the public highway. Thereafter the approved access(es), parking and turning area(s) shall be retained for that specific use.

11. Reason: In the interests of highway safety and to ensure adequate access and parking provision in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

Pedestrian Visibility Splays

12. Prior to the first occupation of any dwelling on site, the pedestrian visibility splays pertaining to its access, as shown by blue dashed lines on approved drawing 500-SK-PH1-01 Rev C, shall be provided and thereafter kept free from any obstruction from a height of at least 600mm above footway or carriageway surface level.
12. Reason: In the interests of highway safety in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015.

Restriction on Gates

13. 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 vehicle access(es), parking and turning area(s) access, as shown on approved drawing 500-SK-PH1-01 Rev C, unless expressly authorised by planning permission granted by the Local Planning Authority.
13. Reason: In the interests of highway safety and to ensure adequate access and parking provision in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

Remove PD for carport conversion

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), the carports hereby approved on plots 104-110 and 129-131, as shown on approved plan 500-SK-PH1-01 Rev C shall not be gated, enclosed, adapted or used for any purpose other than the storage of private motor vehicles, unless expressly authorised by planning permission granted by the Local Planning Authority.
14. Reason: In the interests of highway safety and to ensure adequate access and parking provision in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

22/00479/RMM

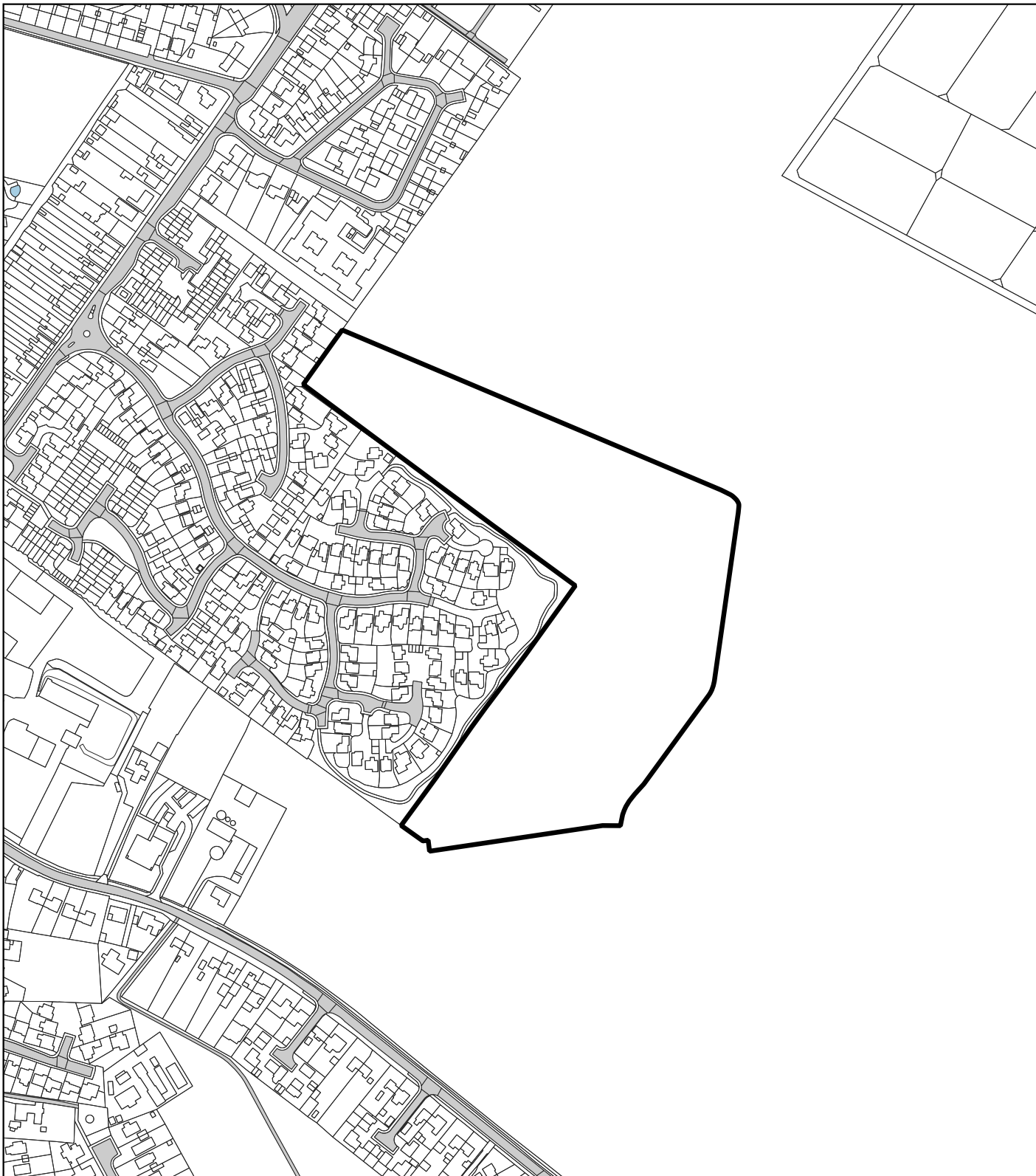
Phase 2A Millstone Park
Land Adjacent To Melton Farm
Newmarket Road
Burwell

Reserved matters for Layout, Scale, Appearance and Landscaping for Phase 2A for 138 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RAN6UWGGFUW00>





22/00479/RMM

Phase 2A Millstone Park
Land Adjacent To Melton Farm
Newmarket Road
Burwell



East Cambridgeshire
District Council

Date: 13/07/2023
Scale: 1:4,000



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TITLE: 22/00479/RMM

Committee: Planning Committee

Date: 2 August 2023

Author: Planning Team Leader

Report No: Y27

Contact Officer: Dan Smith, Planning Team Leader
dan.smith@eastcambs.gov.uk
01353 616306
Room No 011 The Grange Ely

Site Address: Phase 2A Millstone Park Land Adjacent To Melton Farm Newmarket Road Burwell

Proposal: Reserved matters for Layout, Scale, Appearance and Landscaping for Phase 2A for 138 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

Applicant: Vistry Homes Ltd

Parish: Burwell

Ward: Burwell

Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 20 April 2022

Expiry Date: 11 August 2023

1.0 RECOMMENDATION

1.1 Members are recommended to GRANT DELEGATED POWERS TO THE PLANNING MANAGER TO APPROVE the application once the drainage condition (condition 16) on the outline permission has been discharged and subject to the recommended conditions summarised below (with any minor changes delegated to the Planning Manager). The conditions can be read in full on the attached Appendix 2 of this report.

- 1 Approved Plans
- 2 Materials
- 3 Hard surfacing
- 4 Details of pathways

- 5 Landscaping Implementation, Management and Timescales
- 6 Lighting
- 7 Solar Panels
- 8 Boundary Treatments
- 9 Cycle Storage
- 10 Biodiversity
- 11 Access, Parking and Turning
- 12 Pedestrian Visibility Splays
- 13 Restriction on Gates

2.0 SUMMARY OF APPLICATION

- 2.1 This current reserved matters application relates to outline application 15/01175/OUM which granted outline planning permission for the redevelopment of land to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure. That application also approved the detailed matter of the access point on to Newmarket Road. The detailed matters of the layout, scale, appearance and landscaping of the development were reserved for future consideration. The permission was split into three main housing phases as part of that outline permission.
- 2.2 The current application seeks approval of those reserved matters of layout, scale, appearance and landscaping in respect of Phase 2a of the wider site, for 138 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure.
- 2.3 The submitted scheme has been amended on three occasions over the course of the consideration of the application, in order to attempt to address Officer concerns regarding the design of the scheme as well as the concerns of statutory consultees.
- 2.4 The scheme comprises the provision of 138 dwellings, including 55 affordable dwellings, as well the internal access roads, areas of open space, parking and garaging, landscaping and drainage features. The scheme has been the subject of significant negotiation between planning officers and the applicant has gone through several revisions over the course of the application. This has addressed matters of density, layout, design, landscaping and has also addressed highways and drainage considerations. As part of those changes, the number of dwellings has been reduced from 150 initially proposed to the current figure of 138.
- 2.5 The application has been referred to Planning Committee as when the Committee resolved to grant outline permission, it further resolved that reserved matters applications be brought back to the Committee for consideration in a public arena.
- 2.6 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/>.

3.0 PLANNING HISTORY

- 3.1 The relevant planning history for the includes the outline permission to which the current application relates. That outline application followed an EIA Screening Opinion requests. Subsequently, the outline permission has twice been the subject of non-material amendments to make minor amendments to the wording of its conditions. A full application has also been approved in respect of the footpath/cyclepath link required by the outline permission.

14/00149/SCREEN

Screening Opinion for Residential Development

Environmental Statement Not Required

26 February 2014

15/01175/OUM

Redevelopment of land at Newmarket Road, Burwell to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure.

Approved

31 October 2019

15/01175/NMAA

Non-material amendment to wording of Condition 14 (Energy and Sustainability Strategy) of 15/01175/OUM.

Accepted

8 December 2020

15/01175/NMAB

Non-material amendment to vary wording of conditions 2, 4, 5, 6, 10, 11, 12, 13, 16, 17, 18, 19, 28, 36 and 37.

Accepted

29 October 2021

21/01771/FUL

Provision of a shared cycleway/footway west onto Ness Road, landscape, drainage, and associated infrastructure.

Approve

2 November 2022

- 3.2 The following Reserved Matters applications have previously been made in respect of the outline permission:

19/01578/RMM

Reserved matters for appearance, landscaping, layout and scale of planning application 15/01175/OUM (Phase 1)

Withdrawn

7 April 2020

20/01755/RMM

Reserved matters for internal access, layout, scale, appearance and landscaping for the provision of an internal spine road, landscaping and associated drainage and related infrastructure

Approved

13 July 2021

21/01508/RMM

Reserved matters infrastructure application (Phase 2) for internal access, layout, scale, appearance and landscaping for the provision of an internal spine road, landscaping and associated drainage and related

Approved

13 May 2022

- 3.3 A reserved matters application for housing on Phase 1 of the site was submitted at the same time as the current application. That application will also be referred to and considered by the August Planning Committee:

22/00420/RMM

Reserved matters comprising layout, scale, appearance and landscaping for 143 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure for Phase 1 (Housing) pursuant to outline planning permission 15/01175/OUM

Pending Consideration

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The wider application site for which outline permission was granted comprises 27.3 hectares (67.5 acres) of greenfield agricultural land and adjoins the existing built form of Burwell to the west and south. Open countryside adjoins the site to the east and the north, with Newmarket Road defining the south west boundary of the site. To the west the wider site bounds Melton Farm, the Felsham Chase housing estate and other
- 4.2 The wider site is allocated for residential development for approximately 350 dwellings, in the East Cambridgeshire Local Plan 2015, under Policy BUR1 – Housing allocation, land off Newmarket Road, and was granted outline permission in 2019 as detailed above.
- 4.3 The current application site is roughly V-shaped part of the wider site with an approximate area of 5.25 hectares (13 acres). The northern and eastern sides of the site are bounded by the internal spine road permitted under permission reference 21/01508/RMM. To the north the development will face out over structural open space in accordance with the outline permission. To the east it will face the future third housing phase. The southern side of the site runs alongside the secondary internal spine road which separates it from the Phase 1 site. The western boundaries of the site back onto the Felsham Chase neighbourhood. The future footpath and cyclepath connection to Ness Road is taken immediately adjacent to the north west corner of the site.
- 4.4 The site was previously arable agricultural land. It has since been topsoil stripped and some elements of the previous reserved matters approvals for infrastructure,

such as the spine road and bellmouths, have been implemented on site. The site is located within Flood Zone 1, meaning it is at the lowest risk of flooding from fluvial flooding, and is at a very low risk of flooding from surface water.

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.

Parish - 11 May 2022

Burwell Parish Council objects noting that Highways has made comments regarding the spine roads and agrees that these should be addressed. Residents and members of the Parish Council still ask for a roundabout at the junction of Newmarket Road. All houses to be built to the latest Climate Change standards and should not use fossil fuel for energy.

Parish - 13 December 2022

Burwell Parish Council comments that as long as the issues raised by Highways are resolved, Burwell Parish Council has no objection to the proposal.

Parish - 26 April 2023

Burwell Parish Council has noted neighbour comments for the above two applications, but have no objections to the proposals. It is pleased to see that 40% affordable homes are being provided. It requests confirmation regarding the timescales like to know at what point during construction the play equipment will be delivered and who will be responsible for the play area in the long term.

Local Highways Authority - 6 May 2022

Pre-application meetings between the LPA, LHA and the developer took place in early December 2021. I note with thanks that the layout has been amended to take on board the early advice. My response below identifies some residual matters which still need to be addressed, in many cases to safeguard against any future adoption process.

Access

Access to the development phase will be via the site Spine Road. The majority of the Spine Road which runs along the parcel frontage is yet to receive planning permission (pending application 21/01508/RMM). There are two shared accesses and two driveways which are included in this application but omitted from 21/01508/RMM, the access serving Plots 186-190 and that serving Plots 231-238. While I don't object to this principle, the arrangement should be regularised across both applications. It should be noted that the visibility splay will need to be maintained free from obstruction, which could impact upon the landscaping proposals for the Spine Road.

Similarly, there are multiple new accesses (crossovers) onto the Secondary Spine Road which were not included on the original application. I have no objection to these accesses in planning terms, but the applicant should be mindful of a live Section 38 application which includes an infiltration trench on the northern boundary of the road. The applicant will need to take care to ensure private water does not

enter this trench and to ensure the crossovers do not compromise the drainage solution.

As such this scheme would not comply with Part H3 of the Building Regulations 2010 which states that no infiltration devices (i.e., the infiltration trench) should be placed within 5m of a building. Plots 151, 152, 164, 165, 166 and 171 should therefore be moved further back from the trench.

Layout

The private roads serving Plots 172-175 and Plots 186-190 need to be 5m wide for an initial length of at least 8m. I measure them to be approximately 4.5m. Otherwise, the proposed road geometry (widths and radii) is appropriate for the residential development.

Parking for Plot 158 needs to be re-located. To access the parking as proposed, vehicles would longitudinally drive across the footway, which is a risk to pedestrians.

Parking for Plots 245 and 300 need to be re-located so that they do not clash with the pedestrian transition to the shared surface (i.e., the end of footway).

The footway should be to the rear of the visitor parking, which is parallel to the turning head, near Plot 245.

The 0.5m maintenance strip needs to pass between the visitor parking bay and the carriageway adjacent to Plot 292.

It appears that blockwork surfacing is proposed to mark the pedestrian crossing between Plots 253 and 263. This change in surfacing is not necessary and should be removed.

There appears to be a change in surface material to flush blockwork around Plot 213. This is a cosmetic feature which would have limited, if any, impact on vehicle speeds. The changes in surface material should therefore be omitted as it would represent an unnecessary maintenance burden for the Highway Authority, if the roads were to be adopted.

Visibility

A 2.4m x 25m inter-vehicular visibility splay is needed for the access to Plots 151-156. The provision of the splay may impact upon landscape proposals as the splay will need to be maintained free from obstruction from a height of at least 0.6m above carriageway level.

Visibility splays of the same dimensions is needed for the following internal junctions where it is unclear if the splay can be achieved within the confines of the highway:

- Junction adjacent to Plot 168
- Junction adjacent to Plot 222

Otherwise, the visibility is acceptable and sufficient to maintain highway safety. Please note that the LHA will not adopt pedestrian visibility splays, but they should

be maintained free from obstruction from at least a height of 0.6m by the relevant landowners. This requirement should be conveyed to any future plot owner.

Vehicle Tracking

Refuse and fire tender tracking are acceptable.

The delivery vehicle tracking shown is acceptable, but the plan has omitted tracking of the private roads which serve Plots 151-156 and 172-175. Please can the applicant track these areas.

Surface Water Drainage

Due to the chalk ground conditions in the area, no highway can be adopted if infiltration devices are laid within 10m of the highway. The swale on the west of the site would therefore compromise the LHA's ability to adopt the shared surface street outside Plot 183. The applicant may also wish to ensure that the water level in infiltration basin 4, is at least 10m from the carriageway edge of the Spine Road.

Permeable paving is proposed on private drives through the development. The LHA do not accept permeable paving as a means of surface water drainage due to its short design life, onerous maintenance requirements and tendency to fail. Therefore, if positive drainage isn't achievable, surface water interception must be included prior to the highway proposed for adoption. This can be demonstrated at detailed design post-planning.

Miscellaneous

The LHA do not adopt visitor parking bays so those adjacent to shared space streets should be designed to fall away from the carriageway so that they can be drained separately.

Similarly, the visitor parking bays near Plot 245 will not be adopted. They should be separated from the carriageway by a bull-nosed kerb with 25mm upstand. As these bays will fall towards the carriageway, they should include separate drainage e.g., additional gully or channel drain. The specifics can be reviewed at detailed design post-planning.

Where a tree is to be laid within 5m of highway proposed for adoption, a root protection barrier to a depth of 1.2m is required to protect the highway integrity. Fruit trees shall not be used at these locations to avoid slip hazards when the fruit falls.

Conclusion

I would like to invite the applicant the opportunity to respond to the above points, but I note that most of my comments are advisory or relate to any future adoption process. Specific to the planning process, at a minimum the comments relating to visibility and delivery vehicle tracking should be addressed.

Local Highways Authority - 6 December 2022

Access

The development Phase 2A is fronted on the east and north side by a Spine Road approved under the application 21/01508/RMM and on the south side by that approved under 20/01755/RMM. As per my previous response, I do not have an

issue with the access proposals from the Spine Road, but the submission documents are in direct contradiction to the aforementioned approvals. For clarity, the differences are:

- Bellmouth priority junctions at inconsistent locations and of inconsistent form (on raised tables or not)
- Shared private drives and vehicular crossovers omitted

I therefore recommend that the applications 20/01755/RMM and 21/01508/RMM be amended to match.

Layout

Ramped transitions to adoptable shared space streets must comply with the layout shown in CCC's Housing Estate Road Construction Specification Appendix 6, which includes a 1.8m footway extension beyond the ramped transition. The purpose of this footway transition is to provide opportunity for pedestrians to access the shared spaces street safely (the ramp at a 1 in 12 gradient is not accessible for all users). Parking for Plot 164 and possible 163 needs to be re-located. To access the parking as proposed, vehicles would need to manoeuvre over the ramped transition to the shared space at the same locations as pedestrians joining the road.

Parking for Plots 191, 226 and 286 need to be re-located so that they do not clash with the pedestrian transition to the shared surface (i.e., the end of footway).

While two adjacent parking spaces are provided for Plot 219, the western most space is inaccessible.

As previously stated, the footway should be to the rear of the visitor parking, which is parallel to the turning head between Plots 226 and 250.

The 0.5m maintenance strip needs to pass between the visitor parking bay and the carriageway adjacent to Plot 271. Where a ramp has been provided between Plots 231 and 246, the footway surfacing material should be kept consistent throughout i.e., asphalt rather than block paved. However, the ramp in the carriage will need to be block paved.

There appears to be a change in surface material to flush blockwork around Plot 213 and 257. This is a cosmetic feature which would have limited, if any, impact on vehicles speeds. The changes in surface material should therefore be omitted as it would represent an unnecessary maintenance burden for the Highway Authority if the roads were to be adopted.

Unless the above comments are addressed, the internal roads will not be considered for adoption and will therefore need to remain private with potential knock-on implications for refuse collection strategies.

Visibility

New accesses onto the Spine Road not included in prior consents must include visibility splays of 2.4m x 25m. This applies to:

- The shared private drive serving Plots 151-155

- The bellmouth south of Plot 201
- The bellmouth north of Plot 221
- The shared private drive serving Plots 269 and 270

As previously stated, inter-vehicular visibility splays of the same dimension are needed on internal priority junctions.

Surface Water Drainage

I note that while the broad location is the same, infiltration basin no. 4 and 5 on the drainage strategy does not completely align with that on other drawings.

That being said the drainage strategy is acceptable in principle, subject to consideration of detailed highway drainage as part of the s38 application. Comments in this response are made without prejudice to such an application.

Conclusion

I would like to invite the applicant the opportunity to respond to the above points. If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations.

Local Highways Authority - 21 April 2023

Based on the revised submission, I do not object to this application.

My previous comments regarding inconsistencies between this application and the spine road approvals (20/01755/RMM and 21/01508/RMM) remain valid but I will defer this to the LPA for their consideration.

I previously requested that the applicant demonstrate appropriate inter-vehicular visibility for new accesses onto the spine road. Such information has not been provided. I am confident that such visibility is achievable, but it may result in the loss or relocation of some trees. I am content to address this detail as part of any forthcoming S38 Agreement, should the LPA agree.

There appears to be a change in surface material to flush blockwork between Plot 233 and 244. This is a cosmetic feature which would have limited, if any, impact on vehicles speeds. The changes in surface material should therefore be omitted as it would represent an unnecessary maintenance burden for the Highway Authority if the roads were to be adopted. However, I am again content to address this as part of a future S38 Agreement.

The LHA is the process of entering into a S38 agreement for site's spine road. This agreement includes highway drainage by means of three linked soakaways situated within the public open space. Due to the chalk ground conditions, the soakaways must be placed 10m from the carriageway edge, but this is inconsistent with the location shown on the planning submission drawings. Should the soakaways be constructed in the location shown on this submission (5m from carriageway), it will compromise the LHA's ability to adopt the spine road and by extension, the wider site.

However, this does not constitute an objection to the reserved matters application.

The adoption of proposed highway will be subject to a Section 38 Agreement of the Highway Act 1980 and comments made within this response are done so on a without prejudice basis to any such agreement taking place. In the interest of avoiding any abortive construction works, I strongly advised that should the applicant be granted planning approval, no construction works take place for proposed adoptable highway prior to the applicant entering into a Section 38 Agreement with the Local Highway Authority.

Please append the following Conditions to any permission granted:

- Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on 500-SK-PH2-01 Revision B in writing by the Local Planning Authority.
- Prior to first occupation or commencement of use 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.
- No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- Prior to the occupation of a dwelling, the pedestrian visibility splays pertaining to its access, as shown of the drawing 500-SK-PH2-01 Revision B, shall be kept free from obstruction from a height of at least 600mm above footway or carriageway surface level.

Lead Local Flood Authority - 19 May 2022

At present we object to the reserved matters application for the following reasons:

Surface Water Drainage Details

The applicant has provided a drainage layout plan for Phase 2 of the proposed scheme. More details are required for the LLFA to suitable review the information, set out below:

- i. Proposed impermeable area / developable area (including an allowance for urban creep)
- ii. Proposed method of surface water disposal
- iii. Required volume of attenuation (m3 per m2 of impermeable area)
- iv. Hydraulic Calculations for the 100%, 3.3% and 1% Annual Exceedance Probability (AEP) storm events, including an allowance for climate change
- v. Exceedance flow for any system exceedance
- vi. Preliminary SuDS proposals
- vii. Details of any proposed phasing

Until the above information has been provided, we are unable to suitably review or support this application.

Drainage Layout Plan

The drainage layout plan shows the main sewer locations and permeable paving surfaces. More detail should be provided on these plans showing how the surface water networks connect, such as connections between permeable paving subbase and the main sewer runs.

It would be useful to clearly depict the different networks within the drainage layout drawings, associated with any hydraulic calculations. This would assist in the LLFAs review of the drainage information.

Drainage Details

The proposals include small attenuation basins and swales within the phase 2 area. Details must be provided, including cross sections showing depths, gradients and expected water levels for the proposed features. Until more details are provided regarding the infiltration features, we are unable to suitably review the application or recommend the discharge of condition 16.

Wider Network and Impermeable Areas

It is understood that the wider network is proposed to discharge into strategic infiltration basins across the site. It must be clearly demonstrated that the impermeable areas of these plots are aligned with the areas on the drawings provided under the discharge of conditions application on the access and infrastructure application (15/01175/DISE) for phase 2. Until it is clear that the basin will have suitable attenuation capacity for all water draining into it, we are unable to recommend the discharge of condition 16.

Lead Local Flood Authority - 21 December 2022

At present we maintain our objection to the grant of planning permission for the following reasons:

Drainage Details

The proposals include small attenuation basins and swales within the phase 2 area. Details must be provided, including cross sections showing depths, gradients and expected water levels for the proposed features. Until more details are provided regarding the infiltration features, we are unable to suitably review the application or recommend the discharge of condition 16.

Wider Network and Impermeable Areas

It is understood that the wider network is proposed to discharge into strategic infiltration basins across the site. It must be clearly demonstrated that the impermeable areas of these plots are aligned with the areas on the drawings provided under the discharge of conditions application on the access and infrastructure application (15/01175/DISE) for phase 2. Until it is clear that the basin will have suitable attenuation capacity for all water draining into it, we are unable to recommend the discharge of condition 16.

Hydraulic Calculations

The submitted calculations are using FSR rainfall data. However, FSR rainfall data is now outdated and there are more accurate data sets in FEH 1999 and 2013 models. This is due to recording of rainfall over a longer period of time, as well as updated calculations behind the model. The approved outline permission utilised FEH rainfall data for the drainage calculations and therefore, the applicant should provide calculations using FSR for the 15 and 30 minute storm and FEH rainfall data for all storms of 60 minutes and above, to ensure the hydraulic modelling is an accurate representation of the proposed network.

Lead Local Flood Authority - 12 April 2023

Thank you for your re-consultation we received on 28 March 2023.

We have reviewed the submitted documents and at present we maintain our objection to the reserved matters application for the following reasons:

Permeable Paving Extent

It has come to the LLFA's attention that the extent of permeable paving across the scheme has reduced drastically. The proposals were for permeable paving over all private shared access and parking areas. However, this appears to only be in nominal areas under the recent drainage layout drawings submitted for the scheme. This reduction reduces the extent of interception source control and treatment stages across the site. It must be clearly set out the proposed extent of permeable paving across the scheme, and if this has reduced, justification for the reduction in the permeable paving area must be provided.

Environment Agency - 18 May 2022

States it has inspected the amended documents as submitted and has no additional comments to add to its previous response at the outline stage.

Environment Agency - 9 December 2022

States it has reviewed the amendments and have no further comment to make on this application.

Anglian Water Services Ltd - 5 December 2022

We have reviewed the applicant's submitted surface water drainage information (Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the

applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off.

The Ely Group Of Internal Drainage Board - No Comments Received

Environmental Health - 5 May 2022

No comments to make at this time.

Environmental Health - 30 November 2022

No comments to make at this time.

Environmental Health - 5 April 2023

Notes the neighbour response which raises concerns about the potential for noise if ASHPs are to be installed. It is not clear if this is the intention but if so the following condition is recommended -

"The specific rated noise level emitted from the ASHPs shall not exceed the existing background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.

ECDC Trees Team - 16 June 2022

Although the soft landscaping scheme is broadly acceptable I would prefer it if some of the *Betula utilis* 'jacquemontii' could be replaced with an alternative ornamental species as in most of the open spaces they are the only tree species proposed which doesn't offer much protection against species specific disease or changes to the climate that may affect the suitability of this species in the long term. Something with a darker bark for a bit of contrast perhaps such as *Gleditsia triacanthos* possibly 'Draves Street Keeper', *Liquidambar styraciflua*, *Tilia henryana* or *Tilia tomentosa*.

ECDC Trees Team - 3 March 2023

The submitted soft landscaping scheme is acceptable.

ECDC Trees Team - 20 April 2023

The submitted soft landscaping scheme remains acceptable.

Housing Section - 22 December 2022

Thank you for informing the Strategic Housing Team of amendments to the above application. We continue to support the application in principle as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 40% affordable housing on site. The reduction of number of units to 135 will secure 54 affordable dwellings. The affordable housing mix proposed will provide a range of house sizes and will be delivered across various tenures (78% affordable rent and 22% shared ownership).

It is recommended that the space standards for the affordable dwellings should meet the minimum gross internal floor area as defined within the DCLG; National Describes Space Standards unless there are exceptional design reasons why this is not possible. This is because the affordable dwellings are occupied to maximum occupation and this will help ensure we working towards meeting the households overall health and wellbeing. From current plans it looks as though the 2 bed Flanders, 3 bed Asher and 4 bed Speirs properties fall slightly below this standard for maximum occupancy.

Should consent be granted, I would request the s106 Agreement contains the following Affordable Housing provisions:

1. The Affordable Housing is secure with the tenure requirement of 77% rented and 23% intermediate housing.
2. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.
3. That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouses society).
4. That the tenure of each dwelling will be Affordable Rent, Social Rent or Shared Ownership, and no subsequent alteration will be permitted without the Council's prior approval.
5. That the rent charged for the Affordable Rented properties will not exceed Local Housing Allowance rate for the equivalent property size.
6. That the Affordable Dwellings are constructed to DCLG, National Described Space Standards or as a minimum all new dwellings should meet Building Regulation Part M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.
7. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
8. That occupation will be in accordance with a nomination agreement.
9. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

Housing Section - 30 March 2023

Thank you for advising us of the amendments to the above application. We continue to support the application in principle as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 40% affordable housing on site - the change of units to 138 will deliver 55 affordable dwellings.

We also note and approve the changes to the distribution of plots and amendments to house sizes to meet National Describes Space Standards. We do however note that the 4bed Speirs properties do not meet size requirements for maximum occupancy and currently designed for a max occupancy of 6.

Waste Strategy (ECDC) - 11 January 2023

East Cambs District Council will not enter private property to collect waste or recycling, therefore 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, this is especially

the case where bins would need to be moved over long distances; 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).

I echo the comments of the Highways Authority, and if roads remain unadopted, any containers/bags for waste and recycling would need to be brought to the boundary of the unadopted road and the public highway (bearing in mind the previous point regarding distances). Consequently, thought needs to be given to the access at these points, and the streetscene near to collection day, especially where collection points are in view of properties.

Under 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 (delivery and administration) of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

Each new property requires a set of receptacles; the contribution is currently £53 per set. We would recommend the developer made the contribution on behalf of the residents.

Waste Strategy (ECDG) - 7 June 2023

East Cambs District Council will not enter private property to collect waste or recycling, therefore 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, this is especially the case where bins would need to be moved over long distances; 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).

As previously highlighted, the roads (including shared surface roads and secondary streets) will need to be built to adoptable standards to ensure access to designated bin collection points, and comply with the specifications of the RECAP Waste Management and Design Guide for our vehicles' access and reversing. A swept path analysis has been submitted with vehicle's width dimension slightly smaller than the ones recommended by the RECAP Guide.

Where bin collection points have been identified on shared surface drives or private drives, we would recommend to group them in designated well designed bin presentation points and avoid direct proximity to households as far as possible (e.g. plot 275 to 277, and 267,266, plot 157 to 159 and 171,172). Suitable bin collection points should be identified where car parking bays are located, to facilitate operations (e.g. plot 215 to 221). Although drag distances have been provided, we would recommend to minimise them with better allocation of bin collection points (shared), particularly on private drives (e.g. plot 169 - 171).

Under 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 (delivery and administration) of waste collection receptacles, this

power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

Each new property requires a set of receptacles; the contribution is currently £57 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council.

Cambridgeshire Archaeology - 30 May 2022

We do not object on archaeological grounds and have no recommendations for this application. The fieldwork for the archaeology programme secured for the scheme under planning consent granted to 15/01175/OUM has been completed for the Phase 2 area. The post-excavation programme is currently underway.

Cambridgeshire Archaeology - 2 December 2022

We have reviewed the changes and we do not object on archaeological grounds and have no recommendations for this application. The fieldwork for the archaeology programme secured for the scheme under planning consent granted to 15/01175/OUM has been completed for the Phase 2 area. The post-excavation programme is currently underway..

NHS England - 19 May 2022

Background

The proposal comprises a development of up to 150 residential dwellings, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The CCG would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).

Review of Planning application

There is 1 x GP practice within a 2km radius of the proposed development. This Practice does not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

Healthcare Needs Arising From the Proposed Development

Health & Wellbeing Statement

As an Integrated Care System it is our ambition that every one of the one million people living in Cambridgeshire and Peterborough is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Cambridgeshire and Peterborough Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes. Therefore, CIL

funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

The health impact assessment (HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

The primary healthcare services directly impacted by the proposed development and the current capacity position is shown in Table 1.

Table 1: Summary of capacity position for healthcare services closest to the proposed development.

Premises	Weighted List Size	NIA (m ²)	Capacity	Spare Capacity (NIA m ²)
Burwell Surgery	7,909	493.6	7,198	Zero

This development is not of a size and nature that would attract a specific Section 106 planning obligation. Therefore, a proportion of the required funding for the provision of increased capacity by way of extension, refurbishment or reconfiguration at Priors Field Surgery servicing the residents of this development, would be sought from the CIL contributions collected by the District Council.

Although, due to the unknown quantities associated with CIL, it is difficult to identify an exact allocation of funding, it is anticipated that any funds received as a result of this development will be utilised to extend the above mentioned surgery. Should the level of growth in this area prove this to be unviable, the relocation of services would be considered and funds would contribute towards the cost of new premises, thereby increasing the capacity and service provisions for the local community.

Developer Contribution required to meet the Cost of Additional Capital Funding for Health Service Provision Arising

In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy

Framework and the CIL Regulations, which provide for development contributions to be secured to mitigate a development's impact, a financial contribution is sought.

Assuming the above is considered in conjunction with the current application process, Cambridgeshire and Peterborough would not wish to raise an objection to the proposed development.

Cambridgeshire and Peterborough look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

NHS England - 6 December 2022

Reiterated its previous response.

Sport England - 29 March 2023

Sport England has no comments to make on this additional information consultation. Therefore, please refer to Sport England's previous responses for our current position on this application which for the benefit of doubt have not been superseded and remain extant.

Design Out Crime Officers - 12 May 2022

States it considers this to be an area of low vulnerability to crime at present.

The proposed layout appears to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbouring properties with many of the homes facing each other along with defensible space to the front. Pedestrian and vehicle routes are aligned together, is well overlooked and pedestrian safety has been considered. This should encourage some level of territoriality amongst residents.

Please see following comments for your consideration.

Rear access footpaths - The footpaths to the side/rear of plots 196, 197, 198, 232 & 233 do not appear to be gated. Unfortunately, by allowing access to the rear of those properties will only increase the vulnerability for burglary as most occur via the rear garden. Please ensure that any shared gates are fitted with self-closers (as close to the front building line as possible), and private gates are fitted with self-closers and lockable from both sides.

External lighting - Our recommendation for external lighting is that all adopted and un-adopted roads, private roads, shared drives, footpaths and parking areas, should be lit with columns to BS5489:1 2020. Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens, especially where there is little surveillance from neighbouring properties as they can be used as a climbing aid if positioned too close to the fence/wall. Home security lights to the front and rear of the properties should be dusk to dawn LED bulkhead lights. I would like to see the lighting plan, including lux levels and calculations when available please. Please note: Bollard lighting should be used as wayfinding only and not as a main source of lighting

Cycle storage - The Design and Access Statement (DACS - Page 16) made reference to cycle storage will be provided within a garage or secure cycle sheds within accessible locations within the rear gardens. Consideration should be given to providing a ground anchor within the shed to allow the resident to secure their bike/s, and a solid secure, gold rated hasp and lock for the door.

Parking - There are many parking bays that have good natural surveillance from active windows. However, there are plots that do not allow the residents to see their own vehicles, such as; 171, 191, 192, 231, 232 & 233 Where possible, I would recommend for these properties the fence is lowered to 1.5m with 300mm of trellis to improve the natural surveillance.

Landscaping - Consideration should be given to the planting of trees too close to fencing as they can also act as a climbing aid to gain entry to rear gardens. It is also important to ensure that there is a management plan in place to maintain and ensure tree crowns are raised above 2m in height and ground planting and hedging is kept to a minimum of 1 - 1.2m in height, this will allow for ongoing natural surveillance across the development, open spaces and footpaths and to reduce possible conflict with lighting.

Design Out Crime Officers - 5 December 2022

The proposed layout appears to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbouring properties with many of the homes facing each other along with defensible space to the front. Pedestrian and vehicle routes are aligned together, is well overlooked and pedestrian safety has been considered. This should encourage some level of territoriality amongst residents. I also note that some of my previous concerns have been addressed, such as the removal of rear access footpaths, this will reduce the vulnerability to the risk of crime.

Reiterated previous comments in respect of external lighting, cycle storage, parking surveillance and landscaping and commented that there should be a shared gate positioned as close to the front building line as possible for plots 251/252 & 264/263. Shared gates should have a self-closer and private should have a self-closer and be lockable from both sides.

Design Out Crime Officers - 4 April 2023

Provided slightly amended recommendations based on the revisions in respect of the previously identified issues of external lighting, shared gates cycle storage, parking surveillance and landscaping.

Comments that boundary treatment separating the development parcels and the countryside are important to reduce the fear of crime for residents as most burglaries occur with entry gained through rear gardens

Technical Officer Access - 6 May 2022

Commented on the potential problems associated with shared surfaces and spaces for pedestrians and cars, location of bin stores, need for tactile paving and markers.

Cambridgeshire County Council Education - No Comments Received

West Suffolk District Council - No Comments Received

Conservation Officer - No Comments Received

CCC Growth & Development - No Comments Received

Cadent Gas Ltd - No Comments Received

Community & Leisure Services - No Comments Received

Ward Councillors - No Comments Received

Cambridgeshire Fire And Rescue Service - No Comments Received

HSE (Planning Advice Team) - No Comments Received

- 5.2 A site notice was displayed near the site on 10 May 2022 and a press advert was published in the Cambridge Evening News on 5 May 2022.
- 5.3 Neighbours – 420 neighbouring properties were notified and responses were received from residents of 12 properties. The responses received are summarised below. A full copy of the responses are available on the Council's website.
- 5.4 Concern expressed regarding:
- Affects public views;
 - Affects a Right of Access;
 - Affects a Right of Way
 - Affects street scene;
 - Balance of development across wider site;
 - Biodiversity;
 - Contrary to Policy;
 - Density of development;
 - Energy efficiency and sustainability;
 - Form and character;
 - Highway safety;
 - Housing numbers;
 - Impact on trees;
 - Increase in footfall through neighbouring streets;
 - Lack of key worker accommodation;
 - Landscape impact;
 - Loss of privacy;
 - Loss of public amenity;
 - Location of affordable housing;
 - Noise sensitive;
 - Overbearing;
 - Overlooking;
 - Parking and Turning;
 - Pollution issues;
 - Residential amenity;
 - Visual amenity.

6.0 THE PLANNING POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan (2015) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).
- 6.2 *East Cambridgeshire Local Plan 2015 (LP)*
- | | |
|----------|--|
| GROWTH 2 | Locational strategy |
| GROWTH 3 | Infrastructure requirements |
| GROWTH 4 | Delivery of growth |
| GROWTH 5 | Presumption in favour of sustainable development |
| HOU 1 | Housing Mix |
| HOU 2 | Housing density |
| HOU 3 | Affordable Housing provision |
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 4 | Energy efficiency and renewable energy in construction |
| ENV 7 | Biodiversity and geology |
| ENV 8 | Flood risk |
| ENV 9 | Pollution |
| ENV 12 | Listed Buildings |
| ENV 14 | Sites of archaeological interest |
| COM 4 | New community facilities |
| COM 7 | Transport impact |
| COM 8 | Parking provision |
| BUR 1 | Housing allocation, land off Newmarket Road |
- 6.3 *Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021 ('CPWM')*
- | | |
|-----------|--|
| Policy 14 | Waste management needs arising from residential and commercial development |
|-----------|--|
- 6.4 Supplementary Planning Documents (SPD)
- Design Guide – Adopted March 2012*
 - Flood and Water – Adopted November 2016*
 - Contaminated Land - Adopted May 2010*
 - Developer Contributions and Planning Obligations – Adopted May 2013*
 - Natural Environment SPD – Adopted September 2020*
 - Climate Change – February 2021*
- 6.5 *National Planning Policy Framework 2019 (NPPF)*
- | | |
|------------|---|
| Section 2 | Achieving sustainable development |
| Section 4 | Decision-making |
| Section 5 | Delivering a sufficient supply of homes |
| Section 6 | Building a strong, competitive economy |
| Section 8 | Promoting healthy and safe communities |
| Section 9 | Promoting sustainable transport |
| Section 11 | Making effective use of land |
| Section 12 | Achieving well-designed places |

Section 14	Meeting the challenge of climate change, flooding and coastal change
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment

6.6 Planning Practice Guidance (PPG) and National Design Guide (NDG)

7.0 PLANNING COMMENTS

7.1 The main planning considerations in this case are the principle of the development, housing mix, layout, scale and appearance, landscaping, residential amenity, historic environment, energy and sustainability, biodiversity and ecology, and flood risk and drainage.

7.2 Principle of Development

7.3 The site is part of a wider site which benefits from an outline planning permission for the provision of 350 dwellings and other infrastructure. That outline permission was granted on the basis that the site is allocated for residential development in the Local Plan. On that basis, the overriding principle of residential development on the site is acceptable.

7.4 The outline permission reserved consideration of the detailed matters of layout, scale, appearance and landscaping, requiring the submission of details of those matters at a later stage. This current application is made in that regard.

7.5 On that basis, the principle of development is acceptable in accordance with LP policies GROWTH 2 and BUR 1. The detailed consideration of this current application below, assesses whether the detailed matters pursuant to the Outline planning permission accord with the development plan when taken as a whole.

7.6 Housing Numbers and Mix

7.7 *Housing Numbers*

7.8 The outline application approved up to 350 dwellings across the wider site. The development framework plan approved under the outline application and the subsequently approved phasing plan show three housing phases of broadly equal area. The current reserved matters application initially sought 150 of those dwellings in phase 2A. The phase 1 application submitted at approximately the same time initially showed 150 dwellings on that phase. This would have resulted in 300 of the 350 dwellings being proposed across two thirds of the housing land, leaving the final phase with only 50 dwellings.

7.9 Officers raised concerns in respect of the balance of the housing delivery across the wider site and the potential issues with the holistic character of the wider site and suggested that a significant number of dwellings (20–25) should be removed from each scheme to even the balance of housing development across the housing parcels.

7.10 In response to concerns regarding the layout of the current reserved matters application 12 dwellings were removed from the scheme. This does not entirely

address the officers' concerns regarding holistic development of the wider site. It is acknowledged that the density of the proposed scheme broadly accords with that shown on the development framework plan approved at outline stage, however officers remain concerned regarding the balance of delivery of housing across the site. It is considered that the provision of higher numbers of dwellings on the current phase has introduced unnecessary challenges in providing a high-quality scheme for the parcel and has impacted on the overall quality of the scheme.

- 7.11 Despite requests from officers, no information has been provided by the master developer for the site (This Land) regarding how the remainder of the housing might be delivered on Phase 3. Consideration has been given in the abstract to whether the remaining housing on Phase 3 could be provided in an acceptable way which would provide a cohesive scheme across the wider site. Phase 3 of the development is likely to benefit from being at a slightly lower in density with a looser layout as it is the phase which will border most closely the open countryside. Phase 3 also contains the self-build plots for the wider site which generally benefit from larger plots. These factors speak in favour of a lower density approach to Phase 3. Additional public open spaces and structural landscaping could also be provided on phase 3 which would enhance the countryside edge while still allowing space for a less dense development to come forward.
- 7.12 On balance and in the absence of any proposals for phase 3, officers are of the view that it would be possible to deliver an acceptable scheme across the wider site notwithstanding the imbalanced approach to housing numbers on the phases. It is therefore considered that the scheme for the current phase should be considered on its merits. That further consideration is provided below.
- 7.13 *Market and affordable housing split*
- 7.14 Of the 138 dwellings proposed, 55 are provided as affordable units which accords with the s106 requirement to provide affordable dwellings at a rate of 40%.
- 7.15 *Market Housing Mix*
- 7.16 LP policy HOU 1 requires that housing developments provide an appropriate mix of dwellings types and sizes that contribute to current and future housing needs as identified in the most recent available evidence. The latest Strategic Housing Market Assessment (SHMA) published in 2021 sets out a suggested mix of market housing in order to meet likely future housing needs in the Cambridgeshire and West Suffolk region. The outline permission was subject to a condition which requires reserved matters applications to provide a mix of dwelling types and sizes that contribute to the housing needs and demand of the locality at the time of submission.
- 7.17 The SHMA indicates that in respect for market homes, there will likely be a highest need for 3-bedroom dwellings (40-50%), followed by need for 2-bedroom and 4+-bedroom dwellings (both 20-30%).
- 7.18 The current scheme does not accord with the suggested SHMA mix for market dwellings, being significantly skewed towards larger dwellings. The application proposes that 59% of dwellings are 4+-bedrooms – well above the 30% maximum

suggested by the SHMA. It proposes 32% 3-bedroom dwellings and 8% 2-bedroom dwellings – both well below the minimums suggested by the SHMA.

- 7.19 The SHMA does allow some divergence from the suggested mix in respect of specific schemes, stating that in applying the mix to individual development sites the policies should be flexible enough to have regard to the nature of the site and character of the area.
- 7.20 The applicant has provided Housing Mix Statement as required by the outline permission. It provides arguments as to why the proposed mix of dwellings is justified in this case. The statement accepts that the scheme provides a lower percentage of 2-bedroom homes and a higher percentage of 4 and 5-bedroom homes. It suggests that the justification for this is threefold:
- i) That the local characteristics of Burwell warrant this approach, being a highly sought-after for families living in close proximity to Cambridge and the edge of village site is more appropriate for larger family housing;
 - ii) That the market demand, based on the company's up-to-date sales and marketing intelligence in respect of the local market indicates that there is demand from its customers for larger properties with additional living space required for working from home or for inter-generational living;
 - iii) That the proposed housing mix is a response to the urban design principles for the site to reflect the design, character and density needs of the parcel.
- 7.21 It is agreed that proposed housing mix has come about partly as a result of the urban design considerations of the scheme which have been negotiated as part of this application. The preferred character for certain areas of the scheme benefits from the use of larger dwellings, particularly in areas fronting open space. As the affordable dwellings are generally smaller as required by the SHMA, the increased proportion of larger market dwellings allows for the different character areas of the site to be more easily designed. The weight given to the design argument is moderate.
- 7.22 The applicants argue that their evidence is that there is demand for larger properties which allow more space for home working and inter-generational living. It is accepted that the demand for such arrangements is likely greater now than in the past, possibly even since the 2021 SHMA. That argument is therefore given moderate weight in the consideration of the mix, albeit that it is anecdotal rather than well-evidenced.
- 7.23 It is not disputed that Burwell is a sought-after village for families. However, it is also likely that smaller families and couples would also wish to reside in Burwell. In the absence of any market evidence, the weight given to that argument is very limited.
- 7.24 The proposed mix is at a considerable variance from the mix suggested in the SHMA. The SHMA does allow for variances in the mix dependent on the character of the area and nature of the site and those matters are given some weight in this consideration. While the arguments used to justify the mix are relatively general and evidence is not provided to support some of the contentions, on balance, it is considered that the scheme is likely to provide a mix which contributes to current

housing needs. Compliance with the requirements of condition 7 of the outline planning permission is therefore achieved with this submission.

7.25 *Affordable tenure and mix*

7.26 The application proposes 55 affordable dwellings, 39 of which would be affordable rent and 16 of which would be shared ownership. This is a 71:29 split and as close as possible to the desired 70:30 tenure split. The Council's Housing Strategy Team has confirmed it is happy with the proposed tenure of the scheme.

7.27 The SHMA indicates that for affordable housing, there is a mix requirement for a higher percentage of 2-bedroom dwellings (35-45%), followed by 3-bedroom (25%-35%), then 1 bedroom (15-25%) and finally 4+ bedroom (5-15%). The application proposes 45% 2 bedroom dwellings, 24% 3 bedroom dwellings, 18% 1 bedroom dwellings and 13% 4 bedroom dwellings. This mix is in accordance with that indicated by the SHMA as being the local need and is considered to be acceptable. The Council's Housing Team has confirmed it is content with the mix.

7.28 The Housing Strategy Team did note that the 4 bedroom Speirs house type does not meet size requirements for maximum occupancy and are currently designed for a max occupancy of 6. The applicant has declined to revisit that issue, however they say they are in detailed negotiations with Registered Providers of affordable housing who have not raised this as a concern.

7.29 The timescales for the provision of affordable housing and the securing of that provision in the long-term are secured by the s106 obligation pursuant to the outline permission.

7.30 On the basis of the above, the proposed affordable housing is considered to be acceptable in respect of its provision of affordable housing and the tenure and mix of that housing in accordance with the requirements of LP policy HOU 3.

7.31 Layout

7.32 The application seeks the approval of the reserved matters of layout, scale, appearance and landscaping. The outline permission requires via condition 4 that the development be carried out in accordance with the development framework drawing approved at that stage.

7.33 LP policy ENV 1 requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV 2 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.

7.34 LP policy COM 7 requires that all development must ensure a safe and convenient access to the public highway. It also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable

forms of transport appropriate to its particular location. Policy COM 8 requires development proposals to provide adequate levels of car and cycle parking and that the provision be made broadly in accordance with the Council's adopted standards.

7.35 *Layout and Landscaping*

7.36 The layout of the scheme has been through several iterations since it was initially submitted in response to feedback from the case officer, urban designers and the Local Highways Authority. The initially submission for 150 dwellings and was not considered to be of an acceptable quality, with particular issues relating to the use of convoluted parking court leading to a poorly defined block structure in the central part of the scheme.

7.37 There was also concern regarding the multiple additional driveways and courts taken off the spine road which was considered to negatively impact on the character of that street (established as part of the previous infrastructure reserved matters application) by cutting through the landscaped verges. The pattern of dwellings alongside the spine road, particularly in the northern section, was considered to provide a weak frontage to that road.

7.38 Car parking in the north eastern parking court certain areas was poorly surveilled and parking spaces were overly prominent on frontages and in several cases the provision of garages on frontages led to excessive widths of between dwellings and a poor level of enclosure of the streets with built form.

7.39 Concern was also expressed regarding the reduction in the central open space area for the wider site, which is located at the south eastern corner of the parcel, albeit that additional public open space has been provided on Melton Fields at the western edge of the wider site than was envisaged at outline stage.

7.40 While landscaped areas were proposed alongside the western edge of the parcel and bisecting the northern and southern parts of the scheme, it was considered that the western landscaped edges fell short of the woodland walk envisaged by the outline application. It was also considered that there was a general lack of tree planting within the streets themselves which would have provided a more landscaped character to the streets and framed views of the wider public open space to the north on approach.

7.41 Planning Officers suggested to the applicant that significant changes would be required to the layout and landscaping of the scheme and that a high-quality scheme was only likely to be achieved if a significant number of dwellings were removed from the scheme.

7.42 Various changes have been made to layout and landscaping over the course of the application and are reflected in the current scheme now referred to the committee. A total of 12 dwellings have been removed from the scheme which is below the level suggested by planning officers, but the changes enabled by that reduction in numbers have provided improvements to the layout and landscaping proposed.

7.43 The parcel now has only two additional vehicles access points taken off the primary spine road over and above those approved in the infrastructure permission, a

reduction of two. This allows a more continuous built frontage along the eastern boundary of the site with the spine road which improves the scheme both in respect of the continuous landscaped verge and the enclosure of the street with additional buildings fronting it.

- 7.44 The number of dwellings fronting the northern open space have also increased which has addressed the heavily gapped frontage on the northern side which was a significant weakness of the initial scheme.
- 7.45 Mews courts have been provided in two locations on the eastern side of the parcel with flats over garages used to increase the density in those areas and provide additional surveillance of parking. While the courts are somewhat vehicle dominant, their design has been improved from the initial submission and they feature street tree planting. They also now provide pedestrian permeability through the site which is considered a significant improvement from the initial scheme. The changes to the layout have also allowed improvements to the block structure of the layout.
- 7.46 The revised schemes have addressed the concerns of the LHA which has confirmed that the latest road layout is acceptable in respect of highway safety and adequate access is provided for waste collection vehicles to access the site and turn within it providing acceptable arrangements for waste collection. The LHA does note that visibility splays are not provided for new accesses onto the spine road, however adequate visibility for the 20mph design speed can be provided for those accesses.
- 7.47 Parking provision has been improved across the parcel. Spaces associated with dwellings are now provided on plot or very close to the plots and are generally well overlooked. The improvements to the mews courts has improved surveillance of parking spaces. The large widths of parking spaces between dwellings fronting the public open space which has improved the enclosure and level of formality around that space. Some parking in front of dwellings remains as does some triple width parking in between dwellings but these are largely single depth spaces. While this is a weakness in the layout, on balance, given its use in less prominent locations and not on main frontages to the spine road or open space, it is not considered to be a significant design concern.
- 7.48 All of the dwellings within the scheme are provided with at least two dedicated parking spaces, except in the case of the affordable maisonettes which are provided with one each. Several of the larger dwellings are provided with four parking spaces. The scheme therefore meets the requirement of LP policy COM 8 to provide two car parking spaces per dwelling on average across the development. Garages are also proposed for many of the dwellings which would potentially provide additional off-street parking, however given the acceptable level of driveway parking for the dwellings, it is not considered necessary to require that the garages are retained for the purposes of parking.
- 7.49 The scheme also provides 19 visitor car parking spaces. This equates to one space per 7 dwellings. This is just over half the recommended provision contained within policy COM 8 which recommends up to 1 space per 4 dwellings. The applicant suggests that the provision complies with the requirement of the policy as the policy requires 'up to' 1 space per four dwellings. While the 1 per 4 dwellings requirement

is set as a maximum within the parking standards, it is considered debatable whether the provision of 19 spaces is likely to be adequate for the scheme of 138 houses. This may result in additional on street parking within the scheme, however it is likely that such parking would take place on streets within the parcel rather than spilling out onto the primary spine roads or Newmarket Road.

- 7.50 The site will be well-served by cycle routes as the outline permission will deliver a new cycle path from north western corner of the site to Ness Road and cyclepaths to be provided along Newmarket Road to connect Burwell to Exning to the east. Policy COM 8 requires that cycle parking be provided at a level of 1 cycle space per dwelling. Such provision could be made in the garden sheds which are shown indicatively on the layout plans and adequate provision would be secured by condition.
- 7.51 The revised scheme has taken the opportunity to provide additional tree planting within mews courts and along street frontages particularly to the north of the parcel. The woodland areas remain relatively limited in terms of the planting proposed however they do provide a green edge to the scheme, pedestrian connectivity along that boundary and into the site via the east-west green space. The provision of the paths via mown grass is not considered to provide sufficiently good accessibility particularly in the wet and more formal paths are therefore recommended to be required by condition.
- 7.52 While more could have been achieved had a more strategic approach to landscaping been taken from the outset and/or fewer houses been proposed on the parcel the landscaping has been improved during the application. The adoption and maintenance of areas of open space within the wider site are the subject of provisions within the s106 agreement on the outline permission. The agreement requires the developer to offer the management of areas of public open space in a cascade approach – first to the Council, then to the Parish Council. Should neither body wish to take on the maintenance they would then be placed in a management company.
- 7.53 Scale and Appearance
- 7.54 The house types used are primarily detached and semi-detached with three terraced blocks of three dwellings alongside the eastern spine road, one in the form of a regular two storey terrace and two in the form of a pair of two storey dwellings with an attached flat over garage dwelling. There is also a standalone flat over garage in the northern mews courtyard. The scale of dwellings in the proposed scheme is primarily two storey with four two and a half storey dwellings around the central public open space. There are also four bungalows at the north western edge of the parcel. The two storey dwellings are between approximately 8 metres (~26ft) and 8.5 metres (~28ft) in height while the two and a half storey dwellings which have two storey elevations and rooms in the roof are approximately 9 metres (~29.5 ft) in height. The bungalows are approximately 5.6 metres (~18 ft) high.
- 7.55 The two and a half storey dwellings have been used on some of the plots facing the central open space, to provide more formality to that area. This is largely successful albeit the approach has not been taken consistently on all the plots facing the public open space. The bungalows have been used to ensure an acceptable impact on the

amenity of neighbouring existing properties as described in more detail in the residential amenity section of this report below.

- 7.56 The appearance of the dwellings proposed initially was not considered to be of an acceptable quality nor to adequately reflect the character of Burwell. Significant changes have been made to the appearance of the dwellings over the course of the application to try to ensure the proposed development reflects the context of Burwell and that the dwellings are of a good design quality generally. Fenestration patterns have been improved and, notably significant improvements have been made to corner-turning buildings providing more active frontages on return elevations and increased roof pitches to enhance the corner plots and increase legibility.
- 7.57 The materials proposed to be used have also been reconsidered to reflect the character of Burwell. Render has been incorporated on some of the key dwellings and the primary bricks used would be gault or yellow. No specific details of materials have been provided and it is therefore considered necessary to require the provision of full details including on site sample panels for main and detailing bricks in order to ensure an acceptable final appearance. That provision would be secured via condition.
- 7.58 The design quality of the scheme has undoubtedly improved significantly from initial submission to the final layout now under consideration, both in respect of its layout, the inclusion of additional open space and the design aesthetic. While concerns remain regarding the number of dwellings on the parcel and the balance of development across the wider site, it is considered that this issue can likely be addressed during the later development of Phase 3, which could provide fewer dwellings at a lower density, perhaps with increased areas of open space. The development is therefore, on balance considered to accord with policy HOU 2 in respect of the housing density. The design of the scheme on this parcel is now considered to be of an acceptable level sufficient that it complies with the requirements of Local Plan policies ENV 1 and ENV 2 and the design guide SPD.
- 7.59 Residential Amenity
- 7.60 Policy ENV 2 of the Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers of new dwellings enjoy high standards of amenity. This policy accords with Chapter 12 (particularly paragraph 130) of the National Planning Policy Framework (NPPF) which aims to achieve high standards of amenity.
- 7.61 The Phase 2A parcel backs onto neighbouring dwellings at its north western end and backs onto the woodland behind Felsham Chase along its western boundary. The broad principle of dwellings in this location has been established by the outline permission. It is not considered that any harm from the built form or overlooking would result. Where the parcel borders the woodland on the Felsham Chase neighbourhood, the scheme includes landscaped areas along those boundaries meaning dwellings are situated a sufficient distance from neighbours that there would not be any significant impact on the amenity of existing neighbours. In respect of the north western edge of the site, the plots would back directly onto the gardens of neighbouring dwellings on Holkham Mead and Melford Close and one plot is adjacent to the side boundary of a dwelling on Melford Close. In this location,

bungalows have been proposed for those plots which minimises the impact of the dwellings in respect of outlook from the neighbours, overshadowing and overlooking and the impact on those neighbours is considered to be acceptable.

- 7.62 Consultation responses received in respect of the current application raised concerns in respect of footpath connections through to the neighbouring Felsham Chase neighbourhood and potential impacts of increased footfall. The outline permission was granted subject to a plan which showed connection points with the wooded footpaths immediately to the west, however no links are currently proposed and a fence separates the parcel from that wooded area. The submitted plans are annotated to show 'possible footpath links' however these are not proposed at this current stage. Providing links would require the cooperation of landowners and could only be viable through future negotiation. On that basis, it is not considered that the proposed layout results in any impact on neighbouring amenity as a result of access through the Felsham Chase neighbourhood and no officers have not taken any view on the impact of any such access at this stage.
- 7.63 The construction phase of any large residential development poses potential amenity issues in respect of noise, dust and light pollution. The outline permission was granted subject to Condition 19 which requires that no development commence until a Construction Environmental Management Plan for that phase has been submitted and approved. Condition 25 of the outline permission secures the provision of a piling method statement in the event that piling is required. On this basis, the impact of the construction phase on the amenity of neighbours has already been adequately addressed.
- 7.64 The layout and design of the dwellings would afford occupants an acceptable level of amenity and privacy. Back to back distances of 20 metres between dwellings have been achieved across the scheme and acceptable window to blank wall distances are also achieved.
- 7.65 Garden on all plots except the maisonettes and flats over garages exceed the standard set within the Council's Design Guide SPD of 50m². In the case of maisonettes smaller gardens are provided and no gardens are provided for the flats over garages. While the under-provision of garden space is regrettable, there is a significant level of provision of public open space within the approved wider site and the Design Guide does state that the garden size requirement applies 'in most cases' and it is considered that the scheme complies with this requirement.
- 7.66 As detailed above, parking provision is generally adequate for dwellings across the scheme being on average at least two spaces per dwelling. The maisonettes on site are only provided with one space, however as these are smaller units of which there are only a few, that provision is unlikely to be significantly detrimental to the amenity of the occupants of those dwellings.
- 7.67 In order to ensure that an acceptable level of access and maintenance of streets is secured, the LHA has requested that conditions be applied to the scheme relating to the construction of access roads, paths and cycleways and the management and maintenance of streets. These conditions were applied to the outline permission and do not need to be repeated for the reserved matters. The LHA also requests that the provision of access, turning and parking spaces and the ongoing provision

of visibility splays be secured. These will both be secured by condition and the former will be sufficient to ensure that parking spaces on site be provided and retained in perpetuity. The gating of accesses and parking spaces would also be restricted by condition. Where parking is provided in car ports, as on some of the dwellings fronting the eastern spine road, permitted development rights for the conversion or alteration of those car ports would be removed to ensure ongoing provision.

7.68 It is therefore considered that the proposed development would not cause any significant harm to the amenity of current Burwell residents and that it would provide an acceptable level of residential amenity to future occupiers of the scheme, in accordance with policy ENV 2 and the Design Guide SPD.

7.69 Historic Environment

7.70 LP policy ENV 12 states that proposals that affect the setting of a Listed Building will only be permitted where they would preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset; not materially harm the immediate or wider setting of the Listed Building; and facilitate the long-term preservation of the building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

7.71 The outline application considered the impact of the development on the setting of listed buildings, the nearest of which is the Grade II listed Mill to the north of Melton's farmhouse. The development of the wider site retains an area of open space in the area nearest to that building and the outline application found that the proposed development would have a limited impact on that building. The current proposal for Phase 2A is relatively distant from that building and would largely be screened by intervening development and existing planting. It is not considered that the proposed development has any detrimental impact on the setting of the mill and is considered to have a neutral impact on that building.

7.72 On that basis, the proposed development is considered acceptable in terms of its impact on listed buildings in accordance with the requirements of LP policy ENV 12.

7.73 LP policy ENV 14 requires that development affecting all sites of known or potential archaeological interest have regard to their impact on those assets and protect enhance and conserve archaeological remains.

7.74 The archaeological interests of the current site and wider site are significant and archaeological condition was applied to the outline permission requiring that no development occur in a particular phase until a programme of archaeological work had been carried out.

7.75 The County Archaeology Team has confirmed that the fieldwork for the archaeological programme secured by condition on the outline permission has been completed for the Phase 2 area and that the post-excavation programme is currently underway. No further measures are required in respect of this current Reserved Matters application

- 7.76 On that basis, the proposed development is considered acceptable in respect of its impact on the archaeology in accordance with LP policy ENV 14.
- 7.77 Ecology and biodiversity
- 7.78 LP policy ENV 7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the Council will among other criteria, promote the creation of an effective, functioning ecological network. The Council have recently adopted a Natural Environment SPD and all development proposals would be expected to provide environmental enhancements proportionate to the scale and degree of the development proposed.
- 7.79 The outline permission established that across the wider site the ecological impact of the development of up to 350 homes could be acceptably mitigated and included a condition requiring the carrying out of the development in accordance with the key recommendations and precautionary methods contained within the ecological surveys submitted at the time of that application.
- 7.80 Those enhancement recommendations included the installation of bat tubes; bird boxes suitable for house martins, house sparrow, dunnock and starling; native and wildlife attracting planting; hedgerow boundary planting or along access roads; and reptile hibernacula such as log and rock piles. Such measures are considered to remain appropriate. The documents considered as part of the outline application were necessarily general in scope as the layout of phases was unknown and it is therefore considered necessary to require the submission of a detailed ecological enhancement scheme for this phase. On the basis that such a scheme is secured by condition, the proposed development would secure an acceptable biodiversity enhancement and comply with LP policy ENV 7 and the Natural Environment SPD.
- 7.81 Flood Risk and Drainage
- 7.82 LP policy ENV 8 states that all developments should contribute to an overall flood risk reduction, demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site, and that issues of ownership and maintenance are addressed. The use of Sustainable Drainage Systems will be required for new developments.
- 7.83 The site is at low risk of flooding and the outline application demonstrated that surface water could be deal with on the wider site as it had been established that infiltration drainage was feasible. That application was granted subject to a condition requiring that detailed drainage schemes for each phase of development be submitted and approved prior to the granting of any Reserved Matters applications for that phase.
- 7.84 A detailed surface water drainage scheme has been submitted in respect of Phase 2A under reference 15/01175/DISJ in an attempt to satisfy the requirements of the condition on the outline permission and demonstrate adequate surface water and the Lead Local Flood Authority. Various amendments have been made to the scheme to reflect changes to the housing proposals and to try to address the LLFA's concerns about the detail of the scheme. The latest amendment has been

received at the time of writing. The LLFA has informally indicated that the scheme appears to have addressed its outstanding concerns in respect of the extent of permeable paved areas. However, the LLFA has not formally confirmed that and at present therefore, the issue of surface water drainage remains outstanding. It is, however, considered highly likely that the drainage scheme will be confirmed as acceptable. As the drainage scheme is secured by condition on the outline, no further condition is required in respect of this reserved matters application. As the formal confirmation of the LLFA is outstanding and as the drainage condition on the outline application states that the condition must be discharged prior to the approval of the reserved matters application, delegated powers are being sought to approve the application once the outline condition has been formally discharged.

7.85 The principle of the site to provide adequate foul drainage for 350 dwellings was considered at outline stage. Anglian Water advised that there was the capacity at Burwell Water Recycling Centre to accommodate the flows from the development, however it and the Environment Agency required that improvements to the existing sewerage system would be required. The outline permission was therefore granted subject to a condition requiring that no development commence until a foul water strategy, including a scheme for the improvement and/or extension of the existing sewerage system, has been submitted and approved. The applicant has submitted such a scheme in respect of Phase 1 under reference 15/01175/DISJ. That scheme is still being considered by statutory consultees, however the presence of the condition on the outline permission gives sufficient assurance that development of the site will not take place unless an acceptable foul drainage scheme is in place.

7.86 Energy and Sustainability

7.87 The adopted Climate Change SPD predominantly focusses on providing additional guidance to the implementation of LP policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 states all proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. It goes on to state that applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction, as set out in the Code for Sustainable Homes (or its successor), demonstrating that developments of 5 or more dwellings would achieve energy efficiency improvements 20% above Building Regulations (as at Jan 2021), as set out in CC1 of the SPD.

7.88 The outline permission considered the sustainability of the scheme and required the submission of an Energy and Sustainability Strategy alongside any reserved matters application for buildings, via condition 14 of that permission. Such a strategy has been submitted alongside this application. The measures identified within that strategy as feasible in this case are a fabric first approach to the construction of buildings which seek to reduce energy demands by building energy efficient buildings and the use of a mix of solar panels and air source heat pumps.

7.89 However, the Council's Building Control team has previously advised that any dwellings not commenced on site by 14 June 2023 would need to comply with the latest Part L Building Regulations, which would exceed the carbon reduction that

ENV 4 and CC1 seek to achieve. In this regard therefore, the development would automatically meet and exceed the aims of CC1 and ENV 4. In essence, the requirements of the SPD and, as a result, the condition attached to the outline permission, have been superseded by latest Building Regulations - Part L.

- 7.90 Concern has been expressed locally regard the level of detail provided in the strategy and the extent of its ambition and specifically regarding the location of solar panels and the provision of vehicle charging points. While these concerns are understood, as stated above, the requirements for energy efficient and sustainable development required by policy will be met and exceeded via the 2021 update of Part L Building Regulations. It is therefore unreasonable to require the strategy to go further than it currently does in respect of the provision of renewable energy or energy efficiency.
- 7.91 On that basis, the proposed development is considered to comply with the requirements of condition 14 of the outline permission, LP policy ENV 4 and the Climate Change SPD.
- 7.92 Other Material Matters
- 7.93 *Healthcare contributions*
- 7.94 NHS England has requested that the impacts of the development on healthcare provision be fully assessed and mitigated by way of a developer contribution. It is noted that the NHS did not comment at Outline stage at which point the impact of the development in principle, including in respect of the burden of additional residents on local infrastructure, was considered. It was decided at that stage that healthcare contributions were listed on the Council's 123 list and therefore a contribution under the outline permission would have been double-counting. This current application seeks approval of the reserved matters of appearance, scale, layout and landscaping and such issues in-principle issues of the residential development cannot be reconsidered at this stage. NHS England's comments regarding securing contributions toward healthcare are noted and will be passed to the CIL team – however, it would not be possible under this application to secure contributions and matters of CIL funding fall outside of the regulatory framework of the planning system.
- 7.95 *Firefighting*
- 7.96 Condition 13 of the outline permission already satisfactorily secures that the details of the provision of fire hydrants be agreed prior to commencement of development of each phase.
- 7.97 The submitted Fire Tender swept path analysis demonstrates that a fire tender can adequately access the site for the purposes of firefighting.
- 7.98 *Delivery of play equipment*
- 7.99 Local consultation responses requested details of when play equipment would be provided, however the play equipment referred to relates to the open space which is not a part of this reserved matters application site.

7.100 Planning Balance

- 7.101 The proposed reserved matters scheme for the Phase 2A parcel is considered to accord with the outline planning permission and the development framework drawing approved at that stage and is therefore acceptable in principle.
- 7.102 It is acceptable in respect of the level of amenity it would provide to future residents and its impact on the residential amenity of existing neighbours, the historic environment, biodiversity and ecology, and flood risk and drainage. It would also comply with the requirements of the Council's planning policies relating to energy and sustainability.
- 7.103 The design of the scheme in respect of the detailed matters of layout, landscaping, scale and appearance, is now considered of an acceptable quality. Lengthy negotiations on and revisions to the scheme have been undertaken since the submission of the application and these have significantly improved the design quality. While the design quality achievable on the scheme has undoubtedly been constrained by the housing numbers proposed for this phase of the wider development, officers are of the view that the current scheme achieves an acceptable design quality.
- 7.104 The scheme is not without its weaknesses – as detailed above, the number of dwellings proposed on the parcel is a higher proportion of the overall number approved on the wider site than is ideal and will lead to challenges in delivering a scheme with a cohesive character across that wider site, particularly in respect of Phase 3. However, these challenges are not considered to be insurmountable. The scheme also skews its market housing mix towards larger dwellings and while some justification has been provided to support the acceptability of that approach, that matter is finely balanced. Ultimately, officers are of the view that the mix can be considered to contribute to local housing needs and is, on balance, acceptable.
- 7.105 The scheme does provide a policy compliant level of good quality affordable housing as required by the outline permission and the mix and tenure of the housing is acceptable in respect of the local need.
- 7.106 Having weighed the strengths and weaknesses of the scheme, it is the opinion of officers that the scheme proposed in the reserved matters application is of an acceptable standard of design and that it broadly complies with the Local Plan as a whole. The adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal. On that basis, the application is recommended for approval.

8.0 COSTS

- 8.1 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 appellants through the appeal process) then a costs award can be made against the Council.

- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie 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.
- 8.3 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.

9.0 APPENDICES

- 9.1 Appendix 1 – Outline Decision Notice (15/01175/OUM)
9.2 Appendix 2 – Schedule of proposed conditions

Background Documents

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

The planning records for the following applications:

15/01175/OUM, 15/01175/NMAA, 15/01175/NMAB, 20/01755/RMM, 22/00479/RMM

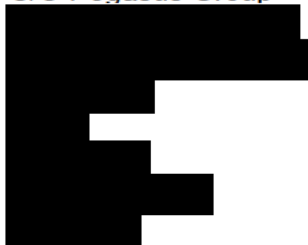


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Cambridgeshire County Council
C/O Pegasus Group



This matter is being dealt with by:

Rebecca Saunt

Telephone: 01353 616357
E-mail: rebecca.saunt@eastcambs.gov.uk
My Ref: 15/01175/OUM
Your ref

31st October 2019

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following:

Proposal: Redevelopment of land at Newmarket Road, Burwell to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure
Location: Land At Newmarket Road Burwell
Applicant: Cambridgeshire County Council

This consent for outline planning permission is granted in accordance with the application reference **15/01175/OUM** registered 2nd October 2015.

Subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

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

Plan Reference	Version No	Date Received
CAM.0985_26		2nd October 2015
CAM.0985_03-8	B Indicative	15th March 2017
PHASE 1 CONTAMINATED LAND RSA RESPONSE		2nd October 2015 11th May 2017
PHASE 1 HABITAT SURVEY		2nd October 2015
TRANSPORT ASSESSMENT		2nd October 2015

FLOOD RISK ASSESSMENT	2nd October 2015
LANDSCAPE AND VISUAL STRATEGY	2nd October 2015
REPTILE SURVEY	2nd October 2015
BREEDING BIRD SURVEY	2nd October 2015
TRAVEL PLAN	2nd October 2015
ARCHAEOLOGICAL DESK BASED ASS	2nd October 2015
ARCHAEOLOGICAL EVALUATION REPORT	2nd October 2015
SERVICES APPRAISAL	2nd October 2015
PRE PLANNING ASSESSMENT REPORT	2nd October 2015
INFILTRATION RESULTS	2nd October 2015
HIGHWAYS POSITION STATEMENT	15th March 2017
J281/SK06	15th March 2017
DRAINAGE	13th November 2015
J281/SK/01	15th March 2017

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- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters for phase 1 shall be made within 2 years and subsequent applications for the approval of the reserved matters within 5 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 Unless otherwise required by other Planning Conditions attached to this planning permission, the development hereby permitted shall be carried out in accordance with the principles of the Development Framework Plan Drawing No. CAM.0985_03-8B.
- 4 Reason: To ensure the development is carried out in accordance with the approved Development Framework Plan and accords with policy ENV2 and BUR1 of the East Cambridgeshire Local Plan 2015.
- 5 As part of or prior to the determination of the first Reserved Matters application, a Site-wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site-wide Phasing Plan shall provide the following information and state when each of the requirements will be delivered:
 - a) Broad details of the intended sequence of development across the entire area;
 - b) The extent and location of the likely development phases and parcels and broad details of the type of development envisaged in each phase (which may include infrastructure only phases);
 - c) Location of vehicular access off Newmarket Road, roads, footpaths and cycleways associated with each phase;
 - d) The location of self-build dwellings;
 - e) The location of dwellings that are to be built to be suitable or easily adaptable for occupation of the elderly or people with disabilities (Lifetime Homes standard or equivalent)
 - f) Structural landscaping and advanced structural landscaping associated with each phase;
 - g) The sports hub; and
 - h) Informal open spaces and recreational areas.

No development other than Enabling Works shall commence until such a time as a Site-wide Phasing Plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Site-wide Phasing Plan, or any subsequent amended plan pursuant to this condition.

- 5 Reason: To ensure the development is delivered in a structured way in accordance with the principles of the Development Framework Plan Drawing No. CAM.0985_03-8B, in accordance with policies HOU1, ENV2, COM7 and BUR1 of the East Cambridgeshire Local Plan 2015.
- 6 Within any reserved matters application for landscaping details pursuant to this approval, the details required by condition 2 shall include detailed landscape designs, specifications and timescales for implementation for the associated reserved matters site. The details shall be accompanied by a design statement that demonstrates how the landscaping scheme accords with any emerging or approved details and shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) 1:100 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads through the development.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Details and specification of proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works.

Hard Landscaping

- a) The location and specification of structures, including furniture, refuse or other storage units, signs and lighting columns/brackets.
- b) Details of all hard surfacing materials (size, type and colour)

The works shall be carried out in accordance with the approved details.

- 6 Reason: To ensure, as the development is built out in phases, it satisfactorily assimilates into the area and enhances the development in accordance with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan (2015) using the unique rural setting to provide a special place and provide multi functional green infrastructure as an integral part of the design and layout.
- 7 The dwelling mix for any phase of the development containing dwellings shall provide a mix of dwelling types and sizes that contribute to the housing needs and demand of the locality at the time of submission of the Reserved Matters application for each phase. The Reserved Matters applications shall be accompanied by a statement explaining the approach taken to housing needs and demand. The dwellings shall be provided in accordance with the approved details.
- 7 Reason: To ensure that the development provides a satisfactory mix of dwelling types in accordance with policy HOU1 of the East Cambridgeshire Local Plan 2015.

- 8 Any reserved matters application for residential development which includes 'self-build' plots shall include a plan showing the distribution of the 'self-build' plots. There will be 17 'self-build' plots in total across the whole of the site and they shall be provided in accordance with the approved details.
- 8 Reason: To ensure that the development provides a satisfactory mix of dwelling types in accordance with policy HOU1 of the East Cambridgeshire Local Plan 2015.
- 9 Any reserved matters application for residential development shall include a plan showing the distribution of market and affordable housing and a schedule of dwelling size (by number of bedrooms). All affordable housing shall, in accordance with best practice, be designed to be tenure blind. The affordable houses shall be provided in accordance with the approved details.
- 9 Reason: To ensure the delivery of a balanced community, in accordance with policy HOU3 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall commence in a particular phase 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. This written scheme will include the following components, completion of which will trigger the phased discharging of the condition:
- i) Approval of a Written Scheme of Investigation to include the excavation and recording of archaeological remains and an appropriate outreach element;
 - ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
 - iii) Completion of a Post-Excavation Assessment Report (PXA) and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.
 - iv) Completion of the programme of analysis and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
 - v) Production of an archive report and the preparation of site archive for deposition at the Cambridgeshire Archive facility, or another appropriate store approved by the Planning Authority;
 - vi) Preparation of suitable materials for secure local display in an appropriate public space.
- Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme.
- 10 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.
- 11 Development in a particular phase shall not commence 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.

- 11 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.
- 12 If, during the development of a phase, 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.
- 12 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.
- 13 No above ground construction shall take place in a particular phase until a scheme for the provision and location of fire hydrants to serve that phase 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 for that phase shall be installed and completed in accordance with the approved details prior to the occupation of any part of that phase.
- 13 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with policies GROWTH3 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to or as part of the first reserved matters application for each phase, 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.
- 14 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.
- 15 To the extent that the reserved matters applications include external public spaces or roads which are not intended to be adopted by the highways authority (e.g. private roads, playgrounds and sports pitches), such applications will be accompanied by a Light Management Plan (LMP) for the relevant areas, for approval by the Local Planning Authority. The LMP shall set out details of proposed permanent external lighting including luminosity and hours of operation. It shall also set

out timescales for implementation. The relevant external lighting shall only be provided and operated in accordance with the approved LMP.

- 15 Reason: To protect reasonable residential amenity of future occupiers of the site and those adjacent, to accord with policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 16 Before any reserved matters application for development involving buildings, roads or other impermeable surfaces is approved, a detailed surface water drainage scheme for that reserved matters scheme, based on the agreed surface water drainage documents (CCE/J281FRA-02 dated July 2015) shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

No development shall take place until details of the implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 16 Reason: To prevent the increased risk of flooding, 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.
- 17 No development shall commence until a foul water strategy, which includes a scheme for the improvement and/or extension of the existing sewerage system, has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved details of the foul water strategy.
- 17 Reason: To prevent environmental and amenity problems arising from flooding, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. This condition is prior to commencement as these details need to be agreed before construction begins.
- 18 Prior to the commencement of development in a particular phase, a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority. The DWMMP shall include details of:
- a) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction
 - b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste
 - c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
 - d) any other steps to ensure the minimisation of waste during construction.
 - e) the location and timing of provision of facilities pursuant to criteria a/b/c/d.
 - f) proposed monitoring and timing of submission of monitoring reports.
 - g) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.
 - h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material
 - i) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external

segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles. The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

- 18 Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.
- 19 Prior to the commencement of development in a particular phase, a Construction Environmental Management Plan (CEMP), shall be submitted to an approved in writing by the local planning authority. The CEMP shall accord with and give effect to the waste management principles set out in the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy. The CEMP shall include the consideration of the following aspects of construction:
- a) Site wide construction and phasing programme
 - b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers
 - c) Construction hours
 - d) Delivery times for construction purposes
 - e) Soil Management Strategy including a method statement for the stripping of top soil for re-use; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883 (2009) and / or its subsequent amendments
 - f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009) and / or its subsequent amendments
 - g) Maximum noise mitigation levels for construction equipment, plant and vehicles
 - h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009) and / or its subsequent amendments
 - i) Setting maximum vibration levels at sensitive receptors
 - j) Dust management and wheel washing measures to prevent the deposition of debris on the highway
 - k) Site lighting
 - l) Drainage control measures including the use of settling tanks, oil interceptors and bunds
 - m) Screening and hoarding details
 - n) Access and protection arrangements around the site for pedestrians, cyclists and other road users
 - o) Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures.
 - p) External safety and information signing and notices
 - q) Liaison, consultation and publicity arrangements including dedicated points of contact
 - r) Consideration of sensitive receptors
 - s) Prior notice and agreement procedures for works outside agreed limits
 - t) Complaints procedures, including complaints response procedures Membership of the Considerate Contractors Scheme
 - u) Location of Contractors compound and method of moving materials, plant and equipment around the site
 - v) An Emergency Incident Plan for dealing with potential spillages and / or pollution incidents.

The Construction Environmental Management Plan shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

- 19 Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers in accordance with polices ENV2 and ENV9 of the East Cambridgeshire Local Plan; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.
- 20 No development shall take place on the phase for the sports hub as detailed on the Development Framework Plan Drawing No. CAM.0985_03-8B until the following information has been submitted to and agreed in writing with the local planning authority:
- a) A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
- The works shall be carried out in accordance with the approved scheme within a timescale to be approved in writing by the Local Planning Authority.
- 20 Reason: To ensure that site surveys are undertaken for new playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 21 The playing fields shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 21 Reason: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 22 Prior to the bringing into use of the new playing fields and sports hub a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing fields.
- 22 Reason: To ensure that new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport in accordance with National Planning Policy Framework (NPPF) paragraph 74 and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 23 The specific rated noise level emitted from plant or machinery (associated with the sports hub) located on the site shall not exceed the existing background noise level or 35dB, whichever is the higher. The noise levels shall be measured and/or calculated at the boundary of the nearest noise

sensitive property. The noise level shall be measured and/or calculated in accordance with BS4142:2014.

23 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

24 Construction times and deliveries during the construction and demolition phases shall be limited to within the following hours:

07:30-18:00 each day Monday - Friday

07:30-13:00 Saturdays

None on Sundays, Bank Holidays or Public Holidays

For the avoidance of doubt this means during the construction phase no machinery or plant shall be operated outside of the above times.

24 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

25 If piling activities are required within 40metres of the boundary of the application site, the method of piling shall be agreed in writing with the local planning authority prior to commencing the activity and the method agreed shall be adhered to.

25 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

26 During construction any site based mobile plant (excluding HGV's) shall have broadband reversing alarms.

26 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

27 The development shall be completed in accordance with the key recommendations and precautionary methods and additional recommendations of the Phase 1 Habitat Survey carried out by James Blake Associates, dated June 2015, the recommendations and enhancement recommendations of the Reptile Survey carried out by James Blake Associates, dated June 2015 and the recommendations of the Breeding Bird Survey carried out by James Blake Associates, dated June 2015.

27 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

28 The access(s), cycleway (s) and footway (s) are to be in accordance with the Designers Response (March 2017) and as per drawing number J281/SK/01 Rev F.

28 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.

29 Prior to the occupation of the first dwelling the provision of a 3 metre wide shared footway/cycle from the site access, continuing west to Burwell Surgery shall be constructed and brought into use as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.

- 29 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 30 Prior to the occupation of the first dwelling the site access off Newmarket Road shall be provided with a right turn lane as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 30 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 31 A 4 metre wide shared footway/cycleway shall be constructed and brought into use from the site, continuing west onto Ness Road, as shown in principle on drawing J281/SK/06 dated 28/04/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the second phase of development. As part of the submission, details of the timescale for delivery shall be submitted to and agreed in writing with the Local Planning Authority.
- 31 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 32 Prior to the occupation of the first dwelling a new bus stop shall be provided on the northern side of Newmarket Road, the stop shall include but not be limited to raised kerbs, flag, time table and painted bus cage, as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 32 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 33 Prior to occupation of the first dwelling the two bus stops on the southern side of Newmarket Road directly opposite the site shall be upgraded, the upgrades shall include but not be limited to raised kerbs, flag, time table and painted bus cage, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 33 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 34 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of a Travel Plan Co-ordinator to give advice.
- 34 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 35 Prior to occupation of the first dwelling, the Developer shall be responsible for the provision and implementation of welcome packs for sustainable transport, approved by Cambridgeshire County Council, to include six one day travel vouchers for use with the relevant local public transport operator. The packs shall be provided to the first occupiers of each new residential unit on the development site.
- 35 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 36 Prior to first occupation of any dwelling the road(s), footways(s) and cycleway(s), within a phase of development, shall be constructed to at least binder course surfacing level from the dwelling to the

adjoining County road in accordance with the details approved in writing by the Local Planning Authority.

- 36 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 37 No development shall commence, with the exception of below ground works, until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 37 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 A Road Safety Audit 2 will be required and the design must include all of the details agreed within the designs response (March 2017) RSA 1.
- 2 This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
- 3 No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.
- 4 Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.
- 5 East Cambridgeshire District Council is a Community Infrastructure Levy (CIL) Charging Authority. All applicants for full planning permission, including householder applications and reserved matters following an outline planning permission, and applicants for lawful development certificates are required to complete the CIL Additional information Requirement Form - https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

Exemptions from the Levy are available but must be applied for and agreed before development commences, otherwise the full amount will be payable.

For more information on CIL please visit our website <http://www.eastcambs.gov.uk/planning/community-infrastructure-levy> or email cil@eastcambs.gov.uk.

- 6 East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the Owners/residents to take sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over loose gravel/shingle driveways.

Under 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 power being re-enforced in the Local Government Acts of 1972, 2000, 2003, as well as the Localism Act of 2011.

Each new property requires two bins; this contribution is currently set at £43 per property.

Payment must be made in advance of bins being delivered; East Cambs District Council [REDACTED], reference should be the planning application number [REDACTED] followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

- 7 This development should be carried out in strict accordance with the provisions of the Environment Agency letter, which attaches to this consent.
- 8 The decision to approve this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be in accordance with the policies of the Development Plan, that are considered to be up to date, and represents 'sustainable' development in compliance with the provisions of the NPPF. The policies in themselves have been sufficiently explicit to guide the submitted application and acceptable plans and information has been submitted, therefore no amendments/improvements have been sought from the applicant.
- 9 This decision notice should be read in conjunction with the Section 106 Obligation dated 30th October 2019 and the development completed in strict accordance with the provisions contained therein, to the satisfaction of the Local Planning Authority.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES **NOT** CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER

[REDACTED]

Rebecca Saunt

Planning Manager

Dated: 31st October 2019

Appendix 2 – Schedule of Proposed Conditions

Approved Plans

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

<u>Plan reference</u>	<u>Ver</u>	<u>Date received</u>
500-LP-PH2-01	B	14th July 2023
500-MP-PH2-01	D	19th July 2023
500-MP-PH2-02	D	19th July 2023
500-MP-PH2-03	D	19th July 2023
500-MP-PH1+2-01	C	14th July 2023
500-SK-PH1+PH2-02	E	19th July 2023
500-SK-PH2-01	E	19th July 2023
500-SK-PH2-02	E	19th July 2023
500-SK-PH2-03	E	19th July 2023
500-SK-PH2-04	E	19th July 2023
500-SK-PH2-05	E	19th July 2023
500-SK-PH2-06	E	19th July 2023
500-SK-PH2-07	E	19th July 2023
500-SK-PH2-08	E	19th July 2023
500-SK-PH2-09	E	19th July 2023
B0BU00-XX-D2-A-0801 PLANNING DRAWING-Buckthorn v1		14th July 2023
B0BU00-XX-D2-A-0801 PLANNING DRAWING-Buckthorn v2		14th July 2023
N20301-XX-D2-A-AS-0801 PLANNING DRAWING-Hawthorn v1		14th July 2023
N30501-XX-D2-A-AS-0801 PLANNING DRAWING-Hazel v1	B	14th July 2023
N30501-XX-D2-A-AS-0801 PLANNING DRAWING-Hazel v3	B	14th July 2023
N30700-XX-D2-A-AS-0801 PLANNING DRAWING-Spruce v1	A	14th July 2023
N30700-XX-D2-A-AS-0801 PLANNING DRAWING-Spruce v2		14th July 2023
N30700-XX-D2-A-AS-0801 PLANNING DRAWING-Spruce v3	A	14th July 2023
N30700-XX-D2-A-AS-0801 PLANNING DRAWING-Spruce v4	A	14th July 2023
N30700-XX-D2-A-AS-0801 PLANNING DRAWING-Spruce v5	B	14th July 2023
N30700-XX-D2-A-AS-0801 PLANNING DRAWING-Spruce v6	A	14th July 2023
N30700-XX-D2-A-AS-0801A PLANNING DRAWING-Spruce v7		14th July 2023
N30800-XX-D2-A-AS-0801 PLANNING DRAWING-Cypress v1		14th July 2023
N30800-XX-D2-A-AS-0801 PLANNING DRAWING-Cypress v2		14th July 2023
N32701-XX-D2-A-AS-0801 PLANNING DRAWING-Magnolia v1	B	14th July 2023
N32701-XX-D2-A-AS-0801 PLANNING DRAWING-Magnolia v3	A	14th July 2023
N41200-XX-D2-A-AS-0801 PLANNING DRAWING-Juniper v1		14th July 2023
N41200-XX-D2-A-AS-0801 PLANNING DRAWING-Juniper v2		14th July 2023
N41400-XX-D2-A-AS-0801 PLANNING DRAWING-Aspen v1	A	14th July 2023
N41700-XX-D2-A-AS-0801 PLANNING DRAWING-Briar v1	B	14th July 2023
N41700-XX-D2-A-AS-0801 PLANNING DRAWING-Briar v2	B	14th July 2023
N41700-XX-D2-A-AS-0801 PLANNING DRAWING-Briar v3	A	14th July 2023
N41800-XX-D2-A-AS-0801 PLANNING DRAWING-Mulberry v1	C	14th July 2023
N41800-XX-D2-A-AS-0801 PLANNING DRAWING-Mulberry v2	C	14th July 2023
N51800-XX-D2-A-AS-0801 PLANNING DRAWING-Birch v1		14th July 2023
N51800-XX-D2-A-AS-0801 PLANNING DRAWING-Birch v2	B	14th July 2023
N52000-XX-D2-A-AS-0801 PLANNING DRAWING-Lime v1		14th July 2023
N52000-XX-D2-A-AS-0801 PLANNING DRAWING-Lime v2		14th July 2023

BFLA00-XX-D2-A-AS-B801 PLANNING DRAWING-Flanders v1	B	14th July 2023
BFLA00-XX-D2-A-AS-B801B PLANNING DRAWING-Flanders v2		14th July 2023
BWOR00-XX-D2-A-AS-B801 PLANNING DRAWING-Worsley v1	B	14th July 2023
BWOR00-XX-D2-A-AS-B801 PLANNING DRAWING-Worsley v2	A	14th July 2023
BWOR00-XX-D2-A-AS-B801 PLANNING DRAWING-Worsley v3		14th July 2023
BWOR00-XX-D2-A-AS-B801 PLANNING DRAWING-Worsley v4		14th July 2023
CAS01-XX-D2-A-AS-0801 PLANNING DRAWING-Asher v1	C	14th July 2023
CAS01-XX-D2-A-AS-0801 PLANNING DRAWING-Asher v2	C	14th July 2023
CCO01-XX-D2-A-AS-0801 PLANNING DRAWING-Cooper v1	C	14th July 2023
CCO01-XX-D2-A-AS-0801 PLANNING DRAWING-Cooper v2	C	14th July 2023
CCO01-XX-D2-A-AS-0801 PLANNING DRAWING-Cooper v3	B	14th July 2023
CSP01-XX-D2-A-AS-0801 PLANNING DRAWING-Speirs v2	B	14th July 2023
B0MP00-XX-D2-A-0801A PLANNING DRAWING-Maple v2	A	14th July 2023
F51900-XX-D2-A-AS-0801A PLANNING DRAWING-Yew v1	A	14th July 2023
CGAR01_CAD_For Construction_00-Layout2		14th July 2023
CGAR02_CAD_For Construction_00-Layout2		14th July 2023
CGAR03_CAD_For Construction_00-Layout2		14th July 2023
CGAR08-XX-D2-A-AS-0801-Layout2		14th July 2023
GL1689 01	F	19th July 2023
GL1689 02	F	19th July 2023
GL1689 03	F	19th July 2023
GL1689 04	E	14th July 2023
GL1689 05	E	14th July 2023
GL1689 06	E	14th July 2023
GROUP-VIS-S-EX-D2-A-FC-207		14th July 2023
GROUP-VIS-S-EX-D2-A-FC-208		14th July 2023
GROUP-VIS-S-EX-D2-A-FC-212		14th July 2023
GROUP-VIS-S-EX-D2-A-FC-213		14th July 2023
GROUP-VIS-S-EX-D2-A-FC-215		14th July 2023
GROUP-VIS-S-EX-D2-A-FC-261		14th July 2023
ST-3163-810	C	14th July 2023
ST-3163-811	C	14th July 2023
ST-3163-812	C	14th July 2023
ST-3163-813	C	14th July 2023
ST-3163-814	C	14th July 2023
ST-3163-815	C	14th July 2023
ST-3163-602	D	14th July 2023
ST-3163-603	D	14th July 2023

- Reason: To define the scope and extent of this permission

Materials

- No above ground construction shall take place on site until details of the external materials, windows doors and roof windows to be used on the development have been submitted to and approved in writing by the Local Planning Authority. A sample panel measuring no less than 1 metre square shall be constructed on site showing details of the proposed brickwork; including colour, texture, bond, pointing and mortar mix to enable a site inspection by the Local Planning Authority. The panel shall remain on site for the duration of the development and once the development is completed the sample

panel shall be removed. All works shall be carried out in accordance with the approved details.

2. Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Hard surfacing

3. No above ground construction shall take place on site until details of the surfacing finish of all roads, turning areas, driveways, paths, parking spaces and other hardstandings (excluding those surfaces which are proposed for adoption by the Local Highways Authority) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
3. Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Details of pathways

4. Notwithstanding the plans hereby approved, no above ground development shall take place on site until revised details of the pathways through the public open spaces shown on the approved drawings, including their construction and surfacing materials, have been submitted to and approved in writing by the Local Planning Authority.
4. Reason: To ensure an acceptable surface for the proposed pathways to ensure the paths are usable and enable access throughout the scheme in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Landscaping Implementation, Management and Timescales

5. No above ground development shall take place on site until a timescale for the implementation of the approved soft landscaping scheme on site and a Landscape Management and Maintenance Plan for the on-site soft landscaping covering a minimum period of 20 years from the completion of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved soft landscaping scheme shall be fully implemented in accordance with the approved timescale and the soft landscaping managed and maintained in accordance with the approved Plan, unless otherwise agreed in writing by the Local Planning Authority. Any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

5. Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity and biodiversity value of the development in accordance with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015.

Lighting

6. No above ground construction shall take place on site until a lighting scheme for all streets which are not to be adopted by the Local Highways Authority shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the specification of lights, the locations and heights of lighting columns and the light levels to be achieved over the intended area and the surrounding area. The approved scheme shall thereafter be implemented on site prior to first occupation of any dwelling served by an unadopted street and retained as such thereafter.
6. Reason: To safeguard the residential amenity of occupiers and the visual impact of the development in accordance with policies ENV 1 and ENV 2 9 of the East Cambridgeshire Local Plan 2015.

Solar Panels

7. No construction above eaves level on any dwelling shall take place until details of the solar panels to be fitted to that dwelling have been submitted to and approved in writing by the Local Planning Authority.
7. Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Boundary Treatments

8. No boundary treatments shall be constructed on site unless details of those boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. Thereafter all works shall be carried out in accordance with the approved details.
8. Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Cycle Storage

9. Prior to the first occupation of any dwelling not served by a garage, that dwelling shall be provided with a cycle shed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle shed shall thereafter be located within the rear garden prior to the occupation of that dwelling.
9. Reason: In order to provide for and encourage sustainable modes of travel in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

Biodiversity

10. Prior to the first occupation of the site, a scheme of site-wide biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
10. Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.

Access, Parking and Turning

11. Prior to the first occupation of any dwelling on site, the approved access(es), parking and turning area(s) serving that dwelling shall be levelled, surfaced, drained and made available to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. Thereafter the approved access(es), parking and turning area(s) shall be retained for that specific use.
11. Reason: In the interests of highway safety and to ensure adequate access and parking provision in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

Pedestrian Visibility Splays

12. Prior to the first occupation of any dwelling on site, the pedestrian visibility splays pertaining to its access, as shown by blue dashed lines on approved drawing 500-SK-PH2-01 Rev E, shall be provided and thereafter kept free from any obstruction from a height of at least 600mm above footway or carriageway surface level.
12. Reason: In the interests of highway safety in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015.

Restriction on Gates

13. 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 vehicle access(es), parking and turning area(s) access, as shown on approved drawing 500-SK-PH2-01 Rev E, unless expressly authorised by planning permission granted by the Local Planning Authority.
13. Reason: In the interests of highway safety and to ensure adequate access and parking provision in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

22/00545/FUL

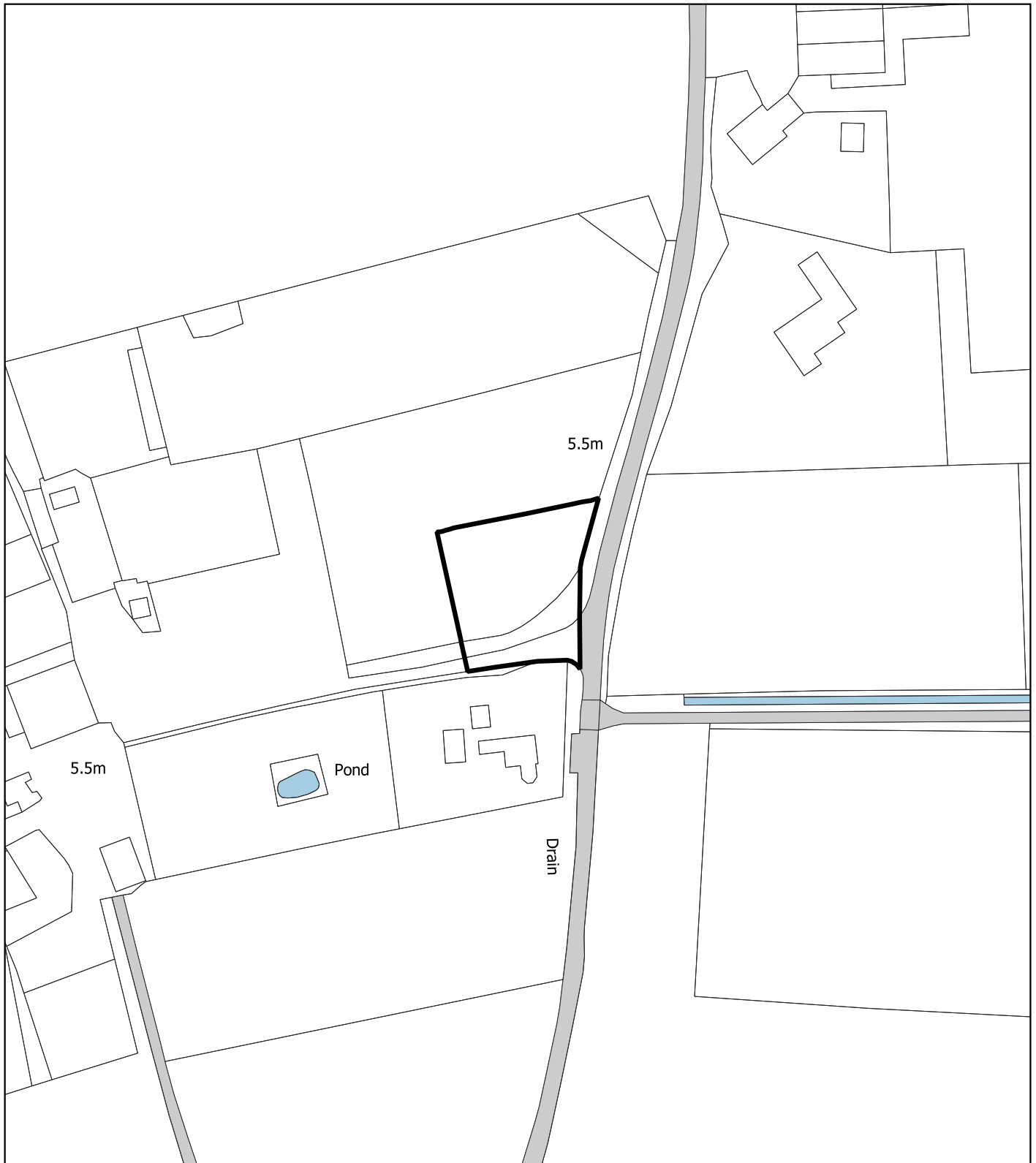
Crow Hall Farm
Site North Of 20 Northfield Road
Soham

Construction of a single storey 4 bed detached dwelling

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RBBAC0GGGA000>





22/00545/FUL

Crow Hall Farm
Site North Of 20
Northfield Road
Soham



East Cambridgeshire
District Council

Date: 13/07/2023
Scale: 1:1,500



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TITLE: 22/00545/FUL

Committee: Planning Committee

Date: 2 August 2023

Author: Senior Planning Officer

Report No: Y28

Contact Officer: Holly Chapman, Senior Planning Officer
holly.chapman@eastcambs.gov.uk
01353 616360
Room No 011 The Grange Ely

**Site Address: Crow Hall Farm Site North Of 20 Northfield Road Soham
Cambridgeshire**

Proposal: Construction of a single storey 4 bed detached dwelling

Applicant: Mr Alan White

Parish: Soham

Ward: Soham North

Ward Councillor/s: Mark Goldsack
Keith Horgan

Date Received: 17 May 2022

Expiry Date: 04 August 2023

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE the application for the reason stated below:

- 1 The proposed development is situated outside of the development envelope and is not an allocated site, an affordable housing exception site or other exception; on this basis the proposed development fails to comply with Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 which restricts development outside of the defined development envelopes where it does not meet any of the defined exceptions within that policy. There are also considered to be no material considerations of significant enough weight to outweigh the harm arising from the identified policy conflict. On this basis, the proposed development is considered to represent unsustainable development for the purposes of the Local Plan and the NPPF.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application proposals comprise the erection of a single-storey bungalow, of a pre-fabricated off-site construction, by the manufacturer 'Dan-Wood'.
- 2.2 The proposed dwelling would measure the following (Table 1):

	Proposed Dwelling Measurements (metres/square-metre)	Proposed Dwelling Measurements (feet/square-foot)
Ridge	c.6.6	c.22
Eaves	c.3.2	c.10.5
Depth	c.17.7	c.58
Width	c.15.3	c.50
Floorspace	c.215 (inc. external veranda)	c.2314

Table 1 – Proposed Measurements of the Dwelling

- 2.3 The materials to be used within the dwelling are white/grey render, dark grey roof tiles and grey windows and doors. The site is to be laid predominantly to grass, with a small area of fruit tree planting in the north-east corner.
- 2.4 The proposed vehicular access to the site is to be taken from the private road leading from Northfield Road, currently serving Alan's Ark and other commercial premises to the west.
- 2.5 1.2-metre (c.4ft) post and rail fencing is proposed around the site's perimeter.
- 2.6 The application has been called-in by the local ward member, Councillor Goldsack, on the 26th June 2023 for the following reasons: "I would like to state my intention to call this in for a number of reasons
Time extensions
Environmental build credentials
Exceptional and unique design"
- 2.7 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/>.

3.0 **PLANNING HISTORY**

- 3.1 The following planning history is considered to be of relevance:

16/01249/OUT

Detached single storey dwelling, garaging, parking, access and associated site works.

Approved

6 April 2017

20/01502/RMA

Reserved matters of Appearance & Landscaping of previously approved 16/01249/OUT for Detached single storey dwelling, garaging, parking, access and associated site works

Approved

19 March 2021

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises the corner of a paddock field adjacent to agricultural buildings located on Crow Hall Farm. Crow Hall Farm is the site of Alan's Ark pet supplies and Charlie's dog training centre. The application site is located outside of the development envelope for Soham, within the hamlet of Broad Hill and is therefore considered to be within the countryside.
- 4.2 To the north-east of the application site along the eastern edge of Northfield Road lies two dwellings ('The Farmhouse' and 'Shamara'), beyond which lies Northfield Farm and associated buildings. A loose collection of dwellings forming the hamlet of Broad Hill lie further to the north, as well as the site of the former Old Tiger Stables.
- 4.3 No.20 Northfield Road, a residential dwelling, lies c.30 metres (c.100ft) to the south of the application site on the western edge of Northfield Road. This dwelling lies within an extensive plot with a number of outbuildings and an associated smallholding, which includes the keeping of alpacas.
- 4.4 The Grade II Listed Building of Crow Hall Farm (dwelling) lies c.125 metres (c.410 feet) to the west of the application site, with intervening buildings associated with the commercial uses.
- 4.5 The application site is not located within a Conservation Area and does not lie nearby any Listed Buildings, Structures or Monuments beyond those already identified.

5.0 RESPONSES FROM CONSULTEES

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

Waste Strategy (ECDC) - 18 May 2022

States: "o East Cambs District Council will not enter private property to collect waste or recycling, therefore 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, this is especially the case where bins would need to be moved over long distances; 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).

o The private drive access road to Crow Hall Farm is not accessible to the refuse and recycling vehicles without a signed indemnity form, and so waste and recycling from the property would need to be presented adjacent to Northfield Road where

the private access drive meets it. Consideration should be given to allowing sufficient space for the presentation of waste and recycling here to not block access / visibility.

o Under 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 power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

o Each new property requires a set of receptacles; the contribution is currently £52 per set. We would recommend the developer made the contribution on behalf of the residents.

o Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number."

Environmental Health - 19 May 2022

States: "I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday

07:30 - 13:00 on Saturdays and

None on Sundays or Bank Holidays

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

I have gone back to the NIA submitted as part of 16/01249/OUT to compare the layouts of the two applications. Claire had previously advised as part of 16/01249/OUT that -

"Due to the potential impact of noise at night the acoustic consultants have recommended that the bedroom windows facing the direction of the dryer are fixed closed. As the bedrooms that these windows serve have alternative means of ventilation by way of additional openings on quieter facades, I do not consider the windows necessarily require fixing closed. Occupants will be able to access alternative means of ventilation if the noise levels are such that they have to close the eastern aspect windows, and therefore they have a choice, however I understand that you may consider this differently from a planning perspective."

We can see that the bedrooms with glazed elements on the far right of the floor plan for 16/01249/OUT have the recommendations for them to be fixed closed and alternative glazed elements on a quieter façade be left openable. Claire did not feel it necessary to have the windows fixed closed but it is important that there was secondary glazing. As we can see from the new floor plan proposed this secondary glazing has been removed for most of the bedrooms (apart from Bedroom 4). I have included the site layout for both applications below for reference and we can see that the orientation is essentially the same on both plans with the bedrooms still facing the drying fans to the north east.

If the drying fans are still located in their previous location then I do have concerns with this new proposal. These concerns could be overcome by relocating the sensitive rooms (bedrooms and living room) to an alternative façade and placing the non-sensitive rooms (kitchen, bathroom, utility room) on to the noisier façade.

We can see that the bedrooms with glazed elements on the far right of the floor plan for 16/01249/OUT have the recommendations for them to be fixed closed and alternative glazed elements on a quieter façade be left openable. Claire did not feel it necessary to have the windows fixed closed but it is important that there was secondary glazing. As we can see from the new floor plan proposed this secondary glazing has been removed for most of the bedrooms (apart from Bedroom 4). I have included the site layout for both applications below for reference and we can see that the orientation is essentially the same on both plans with the bedrooms still facing the drying fans to the north east. “

The Ely Group Of Internal Drainage Board - 27 May 2022

States: “This application for development is within the Middle Fen and Mere Internal Drainage District.

The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District.

If the proposed package treatment plant discharges into a watercourse, the consent of the Board is required.”

Local Highways Authority - 31 May 2022

States: “I do not object to this application.

The proposals are not materially different (from a highways perspective) from those previously approved under 16/01249/OUT and 20/01502/RMA. In any case the site is accessed from a private road and the dwelling is therefore unlikely to have any material impact upon the public highway.”

Parish - 1 June 2022

States: “Noted outside the development envelope, unsustainable and it appears to not be linked to an agricultural business.”

Ward Councillor Mark Goldsack (Soham North) – 26 June 2023

States: “I would like to state my intention to call this in for a number of reasons

Time extensions
Environmental build credentials
Exceptional and unique design”

Building Control - East Cambridgeshire District Council – 13 July 2023

States: “I have looked at the information submitted relating to the near passive house standard.

I understand that the main issue is with the protentional or noise from nearby buildings. If the property is provided with a properly designed, installed and commissioned MVHR system then there will be no need to open windows or provide background ventilation (trickle vents) as the MVHR system will provide all necessary fresh air to replace the air extracted from kitchen, bathrooms utility etc.

Hopefully this answers your question but give me a call if you need any further information.”

CCC Growth & Development - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

5.2 A site notice was displayed near the site on 20th May 2022 and a press advert was published in the Cambridge Evening News on 26th May 2022.

5.3 Neighbours – Six neighbouring properties were notified. No responses were received.

6.0 THE PLANNING POLICY CONTEXT

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 1 Levels of housing, employment and retail growth

GROWTH 2 Locational strategy

GROWTH 3 Infrastructure requirements

GROWTH 5 Presumption in favour of sustainable development

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

HOU 2 Housing density

COM 7 Transport impact

COM 8 Parking provision

6.2 *Supplementary Planning Documents*

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

Flood and Water

Developer Contributions and Planning Obligations

Natural Environment SPD

Design Guide

Climate Change SPD

- 6.3 *National Planning Policy Framework 2021*
 - 2 Achieving sustainable development
 - 4 Decision-making
 - 9 Promoting sustainable transport
 - 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

- 6.4 *Planning Practice Guidance*
Nationally Described Space Standards March 2015

7.0 **PLANNING COMMENTS**

7.1 Principle of Development

7.2 Upon the submission of the application in May 2022, the application site benefitted from an extant consent under LPA Ref. 16/01249/OUT (and subsequently 21/01502/RMA) for the erection of a single dwelling. This consent was approved following an overturn at Planning Committee, during a period whereby the Council could not demonstrate a sufficient 5 Year Housing Land Supply (5YHLS).

7.3 Given the extended period of time it took for the Applicant to provide sufficient information to address Officer concerns regarding noise and residential amenity (see 'Residential Amenity' section of this report), the extant consent lapsed during the course of the current application in March 2023. The Applicant had not implemented the consent, and therefore the Applicant does not benefit from a 'fall-back' position for a dwelling within the application site.

7.4 Whilst the planning history for the application site is itself a material consideration, the Application must now be considered in light of the current planning policy context, this being that the Council can demonstrate a strong 5YHLS and Housing Delivery Test.

7.5 Policy GROWTH 1 of the Local Plan identifies the level of growth required within the district over the Local Plan Period. This includes the housing requirement for the district. Policy GROWTH 1 is accepted by the Council as being out-of-date as it uses an out of date housing requirement figure, and consequently this has triggered the preparation of the 'single issue review' of the Local Plan, in order to bring GROWTH 1 back in date. That updating of the policy remains under development following a 'regulation 19' consultation in 2022, and given further consultation pending, is afforded little weight.

7.6 Policy GROWTH 2 of the Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages within a defined development envelope. The policy states that

outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.

- 7.7 The weight to be given to policy GROWTH 2 is a matter of judgement for the decision maker. An important factor is the consideration of whether the Policy is “out of date” and the allied question of whether the policy is consistent with NPPF for the purposes of NPPF 219. Applying national policy, there are three main reasons it could be out of date, as follows:
- (a) If the Council cannot demonstrate a Five Year Land Supply (NPPF 11d, footnote 8). This is not the case. The Council can demonstrate a healthy supply of deliverable homes, well in excess of five years’ worth, and this position has persistently been agreed by recent Inspector appeal decisions;
 - (b) If the Council ‘fails’ the Housing Delivery Test. This is not the case. The Council presently sufficiently ‘passes’ the Test; or
 - (c) If the Policy is considered ‘out of date’ on a separate basis. This has been defined by the Courts as “have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason (*Bloor v SSCLG* [2014] EWHC 754 (Admin); [2017] PTSR 1283). However the courts have further noted “*The acid test in relation to whether or not a policy is out of date is, it will be recalled, the extent to which it is consistent with the Framework.*” (*Gladman Developments Limited v SSHCLG and Central Bedfordshire* [2019] EWHC 127 (Admin), [34]). Datedness will always be a “case-sensitive exercise” (*Gladman*, [36]) and will “encompass the manner in which a policy operates in relation to the determination of a particular application” (see *Ewans v Mid Suffolk District Council* [2021] EWHC 511, [47]).
- 7.8 The Council has considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.
- 7.9 In APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham (dated 11 February 2022), the Planning Inspector found that policy GROWTH 2 was out-of-date in respect of a proposal for housing on the edge of Soham, a market town identified as a location for growth. That site was also within a broad location for housing (identified in the supporting text to policy GROWTH 4), where housing was anticipated to come forward during the Local Plan period (2011-2031). He concluded that as the housing requirement in GROWTH 1 was out of date and therefore uncertain, it was not clear that adequate housing could be provided in settlements and via allocations. The Inspector found that general objectives of GROWTH 2 “to manage patterns of development and protect the setting of settlement were good ones” and consistent with the NPPF, however in the specific location of the Appeal Site he found that continued strict application of GROWTH 2 was not justified given that the Local Plan anticipated housing in that location and at the market towns. The Inspector also gave weight to the fact that, while outside the development envelope for Soham, the proposal was considered to comply with the development plan as a whole, including the location of the development at one of the three market towns, consistent with GROWTH 2. It is important to appreciate that this was a case where no other development plan conflicts were identified,

including notably in respect of landscape. The Inspector therefore did not have to consider these specific wider considerations in assessing the datedness of the policy and its consequent consistency with NPPF.

- 7.10 Elsewhere recent Inspectors have found policy GROWTH 2 up-to-date, albeit in respect of proposals for housing on the edge of villages (i.e. not market towns) with such settlements falling lower down the locational strategy hierarchy detailed within GROWTH 2.
- 7.11 Turning to the facts of this particular application, the proposal is located outside of the development envelope, is not one of the exceptions listed in GROWTH 2. Whilst falling within the Soham parish, the proposal is considered to be isolated, insofar as it is located a significant distance from the market town of Soham, where growth is directed to by GROWTH 2. It is, therefore, clearly contrary to policy GROWTH 2.
- 7.12 The Council have considered whether GROWTH 2 (including development envelopes derived by it) should be considered out of date or not, and in particular in doing so considering recent appeal decision on this matter. A number of appeal decisions in settlements away from market towns have indicated that GROWTH 2 is up to date. The Inspector in a recent decision at Soham (i.e. a Market Town) identified that GROWTH 2 is out of date (APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham, dated 11 February 2022).
- 7.13 The Council has carefully considered all of these decisions and in particular whether the circumstances are similar to those in the recent appeal decision in Soham (in respect of the nature of the conflict). The Council considers that the Soham decision is distinguishable.
- 7.14 For the purposes of this application, GROWTH 2 is considered up to date. All recent decision makers (including the Appeal Inspectors) have concluded that the locational strategy of the policy is consistent with the NPPF. As the Soham Inspector observed at DL17: "general objectives of the policy to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework"
- 7.15 This proposal, in this isolated location (i.e. located a significant distance from a market town), is not consistent with that strategy.
- 7.16 Whilst GROWTH 1 is out of date, the locational strategy within GROWTH 2 is not out of date. The locational strategy remains entirely valid and consistent with NPPF.
- 7.17 This view is reinforced by the fact that the Council can demonstrate it has a Five Year Land Supply, and passes the Housing Delivery Test.
- 7.18 In conclusion, therefore, for this particular proposal in this location, GROWTH 2 is considered up to date, and should carry full weight. And, as already described, the proposal is clearly contrary to GROWTH 2, and therefore this proposal is contrary to the development plan representing unsustainable development.

- 7.19 Notwithstanding, consideration has also been given to material considerations that could warrant a departure from the Development Plan, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).
- 7.20 In accordance with Paragraph 7.7(c) of this report, it is not considered that there has been any 'on the ground' or contextual changes in the character of this area of Broad Hill, Soham that would amount to a material consideration to justify a decision at variance with Policy GROWTH 2 of the Development Plan.
- 7.21 Paragraph 79 of the NPPF further states that *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."* Broad Hill is no more than a cluster of dwellings c.2km (c.1.2 miles) from the edge of Soham, which contains no services, facilities, footpaths, street-lighting or access to public transport. It is not considered that the provision of a single dwelling in the hamlet of Broad Hill will therefore enhance or maintain the vitality of the rural community, but would instead represent unsustainable development.
- 7.22 The applicant has in correspondence also put forwards a late-stage argument that the proposed dwelling would comprise a self-build dwelling, and that this should be afforded weight in the decision-making process. The Applicant has stated that they are content to provide a legal agreement securing the property as a self-build property.
- 7.23 The provision of a self-build dwelling is considered to attract limited weight in the consideration of this application, not least because it does not form an exception with Policy GROWTH 2, but also because of the Applicant's limited advancement or development of this argument. The Applicant has not demonstrated that they are on the self-build register held by the Council. The Applicant has also not demonstrated that other consented self-build plots provided in Soham or elsewhere in the district were considered as alternatives before the application site.
- 7.24 Members are advised that the Council are currently providing their statutorily required number of self-build plots within the district to meet demand for those on the self-build register. The Council also have a Local Plan policy (and Supplementary Planning Document) which secures the delivery of self-build plots for major sites over 100 dwellings. It is therefore considered that the Application site is not required to make-up any shortfall in this self-build requirement.
- 7.25 The Applicant has also put forwards that the siting of the proposed dwelling in proximity to their workplace would minimising traffic movements, as well as highlighting the sustainability of the dwelling's construction.
- 7.26 The dwelling has not been put forwards as a rural worker's dwelling, and therefore no weight can be afforded to the argument over the dwelling's proximity to the applicant's workplace, as no need for the dwelling in this location has been identified, other than the Applicant's control of the land.

- 7.27 With regard to the sustainability credentials of the dwelling, Policy ENV 4 of the Local Plan 2015 states that: *“All proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable.”* The updates to Building Regulations in June 2023 also hold new development to much higher standards of energy efficiency and sustainability.
- 7.28 NPPF Paragraph 134 does also require that *“... significant weight should be given to:*
- a. *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
 - b. *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*
- 7.29 Members are reminded that the Applicant has been explicitly clear that the dwelling proposed is **not** a passivehouse, but will operate in a similar manner through means of mechanical ventilation and high energy efficiency. The dwelling will not therefore be a true passivehouse. Whilst it is therefore considered that the provision of the energy efficient dwelling in this instance demonstrates a compliance with Local Plan policy and updated regulations, it not considered to go above and beyond these standards to such a degree that it would form a material consideration, of significant enough weight, to outweigh the harm arising from the policy conflict with Policy GROWTH 2.
- 7.30 Whilst the NPPF calls for significant weight to be applied to outstanding or innovative designs, it is Officer opinion that the proposal is neither outstanding or innovative. Innovation is suggestive of new, advanced designs, but as the National Design Guide notes at Paragraph 31, *“Modern methods of construction are becoming more common, whether in the form of mass production for modular construction, or off-site bespoke construction for self-or custom-build.”* It is Officer opinion that the type of dwelling proposed under the current application is not therefore an innovative design. Indeed, the manufacturer (Dan-Wood) has been in the market for 25-years.
- 7.31 It is on this basis that the sustainability credentials of the proposed dwelling can be afforded only modest weight in the consideration of this proposal.
- 7.32 Members are also advised that the NPPF seeks to prevent the delivery of ‘isolated homes in the countryside’ unless they comprise one of the exceptions established under Paragraph 80. The only applicable criterion of Paragraph 80 in this instance is considered to be 80(e), which states:
- “Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*
-

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

7.33 It is not considered that the provision of a passivehouse alone meets the definition of ‘exceptional quality’ or ‘the highest standards of architecture’, and the design of the dwelling would need to be significantly enhanced in order to satisfy the very high bar laid out by the NPPF.

7.34 For all of the reasons set out, it is considered that the proposed development is contrary to Policy GROWTH 2 of the East Cambridgeshire District Local Plan 2015, as it does not fall within one of the exceptions listed within the Policy. Furthermore, there are not considered to be any material considerations of significant enough weight that would direct a departure from the Development Plan.

7.35 Residential Amenity

7.36 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 130(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users. The Design Guide SPD requires that, in most cases, rear private amenity space should be a minimum of 50 square metres.

7.37 Upon the submission of the application in May 2022, the Environmental Health Officer (domestic) raised concerns with the design of the proposed dwelling and its relationship with Northfield Farm to the north-east. This was on the basis that all proposed bedroom windows faced towards the farm and the drying fans associated with the farm’s operation, and had no secondary glazing with the exception of bedroom 4. This meant that, in order to provide ventilation and/or rapid purge ventilation, these windows facing the fans would have to be opened, subjecting internal occupiers to potentially unacceptable levels of noise during the night-time if the fans were in operation.

7.38 Members are reminded that concerns over the noise from the drying fans were identified by the Applicant’s **own** Noise Impact Assessment (NIA) submitted under LPA Ref. 16/01249/OUT, which identified that the fans could result in ‘Significant Observed Adverse Effect Level’ upon prospective occupiers of the dwelling if no means of mitigation were put in place; this was despite the fans only being in operation seasonally and for short periods of time. These concerns were however successfully ‘designed-out’ within the approved (now lapsed) dwelling, with alternative window arrangements and secondary glazing within less sensitive facades to provide ventilation. When submitting the current application proposals, the Applicant is therefore presumed to have been fully aware of the noise sensitivities of the application site.

- 7.39 The Applicant was therefore invited very early on in the current application proposals (May 2022) to amend the scheme, to reach an acceptable internal residential amenity for prospective occupiers. However, no such amendments were forthcoming, and instead the validity of the concerns over the drying fans was repeatedly disputed by the Applicant and their agent at the time. This was because the fans were stated as not having been used for a significant period of time.
- 7.40 Whilst the lack of use of the fans is not disputed, no evidence or updated Noise Impact Assessment (NIA) has been provided to the Council for consideration that would suggest the previous NIA is no longer valid. The Applicant was also reminded that it was the prerogative of the farm to re-instate these fans whenever it was deemed to be necessary, outside of the Applicant's control.
- 7.41 It is also considered that, to approve a dwelling whereby legitimate noise concerns are raised and not addressed could detrimentally impinge upon the operation of the farm, who may become subject to noise complaints if noise is not appropriately addressed at the application stage.
- 7.42 As a means of addressing Officer concerns, the Applicant therefore proposed the dwelling as a passivehouse. Members are reminded that this detail was not clarified within the original submission, and indeed the manufacturer of the pre-fabricated dwelling as proposed ('Dan-Wood') does not claim to deliver passivehouses.
- 7.43 Officers were content that a passivehouse could provide a solution to the noise concerns, if it was a *genuine* passivehouse, insofar that it did not require windows to be opened for ventilation, thereby precluding significantly detrimental noise concerns.
- 7.44 However, over the course of the application, the Applicant unfortunately failed to provide Officers with sufficient reassurances that the proposed dwelling would indeed be constructed to passivehouse standards. This included the Applicant's unwillingness to commit to testing during and post construction to evidence that the proposed dwelling would meet passivehouse standards.
- 7.45 Officers therefore could afford very limited weight to the claims that the dwelling would be a passivehouse, in the absence of information to demonstrate that it would indeed be 'passive'. Members are reminded that Officers were of the view that simple design revisions (i.e. secondary windows in alternative facades) could likely have addressed the noise concerns, and therefore the onus upon the Applicant to provide a passivehouse arose purely because these design revisions were not forthcoming.
- 7.46 After significant discussions with the Applicant, their Agents and Building Control, the Applicant provided a comparison of the proposed dwelling (a 'Dan-Wood' pre-fabricated house) in April 2023 and the general passivehouse standards, to demonstrate that the two were not dissimilar. The information also included details of the Mechanical Ventilation and Heat Recovery (MVHR) system, that would provide the internal ventilation.

- 7.47 Following discussions with Building Control, it was concluded that, subject to the provision of the MVHR and supporting infrastructure, the dwelling would in-effect function similarly to a passive house. This means that windows would not need to be opened to provide ventilation.
- 7.48 It is therefore only on this basis that the proposed development is found to be acceptable in the interests of residential amenity for prospective occupiers. Conditions would need to be imposed, if the application is approved, to ensure that the MVHR and associated infrastructure are installed, retained and maintained in perpetuity to ensure residential amenity is safeguarded.
- 7.49 The proposed dwelling would provide a good outlook, light receipt and internal and external amenity space for prospective occupiers.
- 7.50 With regard to impacts upon nearby occupiers, the proposed dwelling is considered to be located a sufficient distance so as to preclude any significantly detrimental impacts in terms of overlooking, overshadowing, overbearing, loss of light or loss of privacy.
- 7.51 For the reasons outlined, the proposed development is considered to result in acceptable residential amenity impacts upon existing and prospective occupiers by virtue of its design, siting and scale, subject to the imposition of the conditions set out above. The proposed development is therefore considered to comply with the objectives of Policy ENV 2 of the Local Plan, the Design Guide and the NPPF.
- 7.52 Visual Amenity and Heritage
- 7.53 Policy ENV1 of the ECDC Local Plan 2015 seeks to ensure that proposals provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements. Policy ENV2 of the ECDC Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other.
- 7.54 The Design Guide states that, in most cases, building plots should be approximately 300 square metres (c.3229sqft), and that the footprint of any proposed development should be no more than approximately one third of the plot size. Paragraphs 126 to 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.
- 7.55 Existing residential development along Northfield Road is sporadic, interspersed with agricultural buildings and varied in design, meaning there is no discernible dwelling type or materials palette for the application proposals to emulate. The application site also occupies a relatively prominent corner location along Northfield Road.
- 7.56 Notwithstanding, under the now-lapsed 16/01249/OUT (and 21/01502/RMA) the Council previously found that a dwelling of a single-storey scale in this location was acceptable in its visual amenity impacts. It is considered that the previous decision is a material consideration in the determination of this application, particularly given

that the consent has not long lapsed and that there is not considered to have been any contextual changes to warrant arriving at an alternative conclusion as to the urbanising impacts of development in this location. These conclusions are however dependent upon the design of the dwelling itself.

- 7.57 As previously approved, the proposed dwelling comprises a relatively low-level dwelling with number of gable ends and staggered ridge heights. Whilst an urbanising feature within the rural landscape, the proposed dwelling would not be out of keeping with the character and appearance of the wider area and would be seen in the context of the commercial development to the west. The dwelling is considered overall to be a sympathetic addition to the street-scene in the context of what was previously approved within the application site. Members are however reminded that the dwelling, whilst considered to be good, is not considered to amount to 'exceptional' quality or design as required by the NPPF, so as to justify its isolated location in the countryside.
- 7.58 The proposed materials palette, comprising a pale (white and grey) coloured render with a dark grey roof and grey windows/door, is also considered to be acceptable within this location and found elsewhere along Northfield Road, in particular the white painted-brick of No.20 Northfield Road immediately to the south of the application site.
- 7.59 Whilst the LPA are unable to rely solely on planting to justify the visual impacts of proposals, which should be acceptable in their own right, the design and scale of the proposals are considered to be acceptable and appropriate for this location; the proposed planting will, in this instance, assist in the assimilation and visual softening of the proposed dwelling within this rural location and within the street-scene, as well as making a genuine contribution to the enhancement of biodiversity within the site.
- 7.60 The areas of proposed hard landscaping are also minimal and located to the rear of the dwelling and set back from Northfield road, where they will be less readily visible within the street-scene. The proposed 1.2-metre (c.4ft) post-and-rail fencing is also considered to be appropriate for the rural location of the application site, and would have a less urbanising impact than alternative types of fencing. On this basis, it is considered pertinent to restrict permitted development rights for gates, fences, walls and other means of enclosure in the interests of protecting visual amenity, given the relatively prominent and rural location of the application site.
- 7.61 The proposed dwelling satisfies the requirements of the Design Guide SPD with regard to plot size and coverage, as agreed at the outline stage.
- 7.62 Given the siting, scale and intervening development, the proposed development is not considered to result in any harm to the setting or significance of the nearby heritage asset of Crow Hall Farm.
- 7.63 For the reasons provided above, whilst the proposals will be highly visible within the street-scene, given their scale, location and design, the visual amenity impacts of the proposals are considered to be acceptable in accordance with Policies ENV 1, ENV 2 and ENV 12 of the ECDC Local Plan 2015, the Design Guide SPD and the guidance contained within the NPPF.

- 7.64 Other Material Matters
- 7.65 Highways – the proposed development provides policy-compliant levels of on-site parking for vehicles and bicycles. The Local Highways Authority raise no objections to the proposed development in terms of highway safety, subject to conditions relating to controls over the erection of gates, fences, walls across the site’s vehicular access; and the provision of parking and turning spaces. These conditions were imposed upon the previous outline consent, and are considered to be necessary in the interests of highway safety in accordance with Policy COM 7 and COM 8 of the Local Plan and the NPPF.
- 7.66 Ecology and Biodiversity – there are no trees within the application site, which is laid to grass and grazed by horses. The site is considered unlikely to support protected species. Tree planting is proposed as part of the proposals, although these are indicative. A comprehensive soft landscaping scheme could be secured via a planning condition. It is considered that, subject to conditions securing soft landscaping and biodiversity enhancement details, the proposed development would be acceptable in accordance with Policies ENV 1 and ENV 7 of the Local Plan, the Natural Environment SPD and the NPPF.
- 7.67 Flood Risk and Drainage – the application falls wholly within Flood Zone 1 and is therefore at a low risk of flooding. The IDB raise no objections to the proposed use of soakaways or package treatment plant for foul sewerage, subject to consent being obtained from the Board. Subject to a condition securing a drainage strategy for the site, the proposed development is therefore considered to be compliant with Policy ENV 8 of the Local Plan, the Flood and Water SPD and the NPPF.
- 7.68 Contamination and Pollution – the Environmental Health (Scientific) Officer has not raised any concerns with the application proposals, and no investigative contamination conditions were imposed upon the previous consent given the low contamination risk associated with the site. Notwithstanding, a safeguarding condition regarding unexpected contamination will be imposed upon the consent.
- 7.69 The Environmental Health (Domestic) Officer has requested conditions pertaining to ground piling and construction hours. These are considered to be necessary in the interests of protecting residential amenity of surrounding occupiers.
- 7.70 Planning Balance
- 7.71 Whilst the proposed development is considered to be acceptable in all other respects, there is an in-principle objection to the location of the proposed development outside of the market town of Soham. Policy GROWTH 2 is considered to be in-date for the purposes of the current application, which does not support the delivery of housing in this location, nor does the NPPF. There are also considered to be no material considerations of significant enough weight to outweigh the harm arising from the identified policy conflict. On this basis, the proposed development is considered to represent unsustainable development.

Background Documents

22/00545/FUL

16/01249/OUT

20/01502/RMA

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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

22/01229/FUL

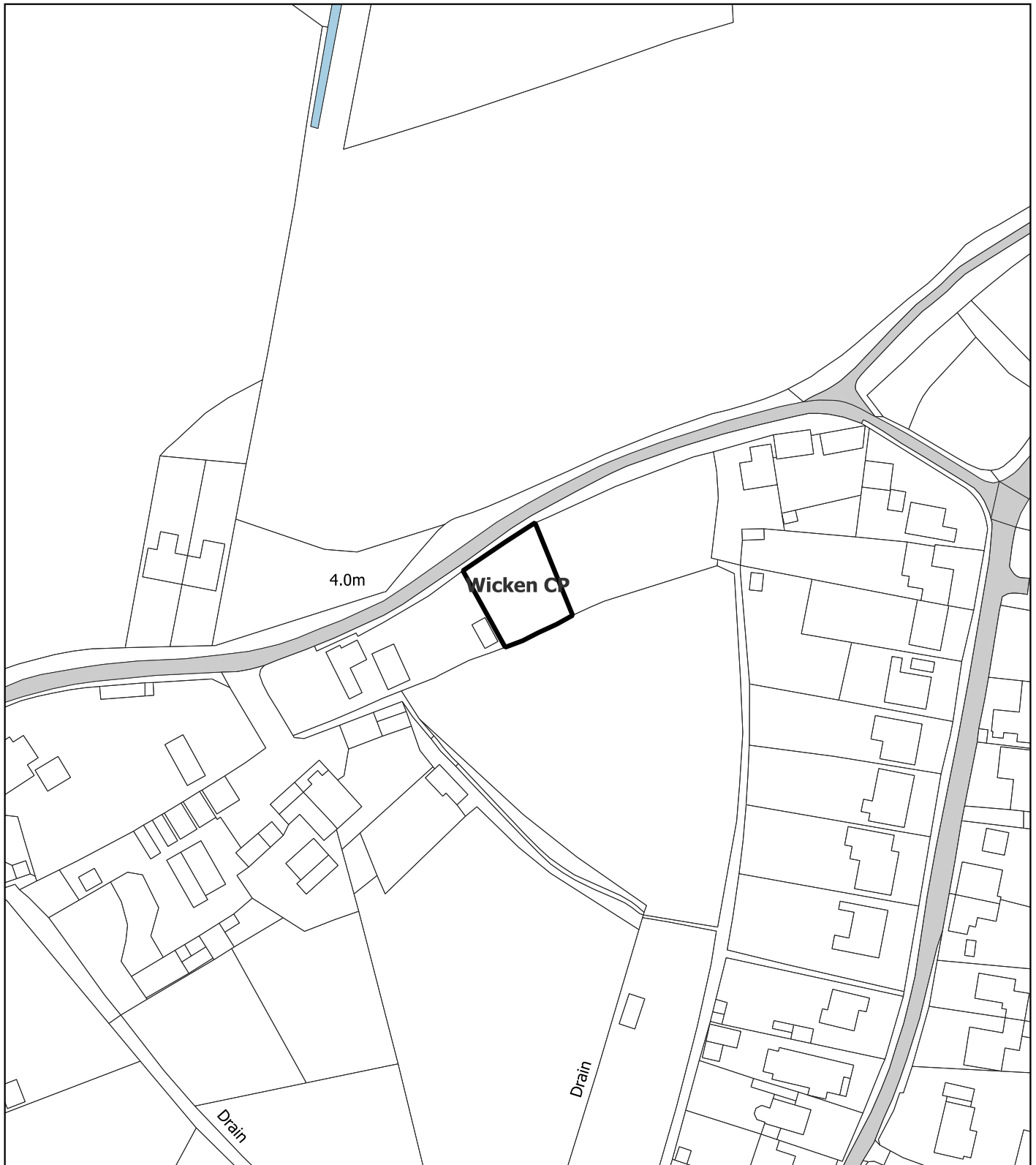
Site To The East Of 38A Chapel Lane
Wicken

Erection of 2 detached four bedroom dwellings with car ports, off-street parking
and associated landscaping

To view all of the public access documents relating to this application please use the
following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RK22ORGGMJD00>





22/01229/FUL

Site To The East Of 38A
Chapel Lane
Wicken



East Cambridgeshire
District Council

Date: 17/07/2023
Scale: 1:1,500



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TITLE: 22/01229/FUL

Committee: Planning Committee

Date: 2 August 2023

Author: Senior Planning Officer

Report No: Y29

Contact Officer: Holly Chapman, Senior Planning Officer
holly.chapman@eastcambs.gov.uk
01353 616360
Room No 011 The Grange Ely

Site Address: Site To The East Of 38A Chapel Lane Wicken Cambridgeshire

Proposal: Erection of 2 detached four bedroom dwellings with car ports, off-street parking and associated landscaping

Applicant: James Development Company Limited

Parish: Wicken

Ward: Soham South
Ward Councillor/s: Ian Bovingdon
Lucius Vellacott

Date Received: 20 October 2022

Expiry Date: 04 August 2023

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the recommended conditions summarised below: The conditions can be read in full on the attached appendix 1.

- 1 Approved Plans
- 2 Time Limit – Full Application (3 Years)
- 3 Contamination Investigation (Pre-Commencement)
- 4 Unexpected Contamination
- 5 Ground Piling (Pre-Commencement)
- 6 Hours of Construction (Standard)
- 7 Foul and Surface Water Drainage
- 8 Soft Landscaping
- 9 Hard Landscaping
- 10 Parking and Turning
- 11 Visibility Splays

- 12 External Materials
- 13 Boundary Treatments
- 14 Restriction of Gates, Fences, Walls
- 15 Removal of Permitted Development Rights for Dwellings
- 16 Obscure Glazing of Windows
- 17 Biodiversity Enhancement
- 18 Air Source Heat Pump (Noise)
- 19 Tree protection

2.0 **SUMMARY OF APPLICATION**

2.1 The application proposals comprise the erection of two detached dwellings with associated car-ports, as well as associated works including the provision of off street-parking via Chapel Lane, and hard and soft landscaping works.

2.2 The proposed dwellings would measure as follows (Table 1):

	Proposed Plot 1 and Plot 2 (metres)
Ridge	c.7.8
Eaves	c.5.0
Depth	c.13.5 (inc. conservatory)
Width	c.8.0

Table 1 – proposed dwellings

2.3 The proposed dwellings are of a style and materials palette to match the adjoining development of eight dwellings approved under LPA Ref. 16/01492/OUT (and 20/00499/RMA and subsequent amendments) adjoining the application site to the east and south-east.

2.4 Each dwelling will benefit from two parking spaces, with an additional parking space provided within the car ports per dwelling, served via Chapel Lane via a central access.

2.5 It is necessary to fell six (Category C and U) individual trees and one landscape feature (a collection of dense undergrowth and a mixture of tree species) in order to facilitate the proposed development. Additionally, two off-site trees which overhang the site boundary require minor surgery to permit construction space or access.

2.6 The application is being referred to Planning Committee for determination in accordance with the Council's Constitution as it is a departure application recommended for approval. This is following clarification from the Council's Legal Director as to the delegation procedures regarding departure applications.

2.7 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/>.

3.0 PLANNING HISTORY

3.1

16/01492/OUT

The erection of up to 8 dwellings with parking, garages and associated works.

Approved

5 May 2017

20/00499/RMA

Approval of the details for reserved matters for Appearance, Landscaping, Layout and Scale of previously approved 16/01492/OUT for the erection of up to 8 dwellings with parking, garages and associated works

Approved

11 December 2020

20/00709/DISA

To discharge conditions 3 (Energy and Sustainability Report), 4 (Biodiversity), 5 (Foul & Surface Water), 6 (Contamination), 8 (Archaeology), 10 (fire hydrants) and 11 (Public Rights of Way) of decision notice 20/00709/VAR dated 11 December 2020 for the erection of up to 8 dwellings with parking, garages and associated works

8 March 2022

20/00499/NMAA

Non material amendment to previously approved 20/00499/RMA in respect of Plot 1 for Approval of the details for reserved matters for Appearance, Landscaping, Layout and Scale of previously approved 16/01492/OUT for the erection of up to 8 dwellings with parking, garages and associated works

11 October 2022

20/00709/VAR

To Vary Conditions 1 (Approved Plans) and 7 (Highways Works) of previously approved 16/01492/OUT for the erection of up to 8 dwellings with parking, garages and associated works

Approved

11 December 2020

20/00499/NMAB

Non material amendment to previously approved 20/00499/RMA for Approval of the details for reserved matters for Appearance, Landscaping, Layout and Scale of previously approved 16/01492/OUT for the erection of up to 8 dwellings with parking, garages and associated works

8 November 2022

4.0 THE SITE AND ITS ENVIRONMENT

4.1

The application site comprises an area of land which is known to have been used as a builder's yard, but appears to have been left unused for some time and has

become overgrown with brambles, nettles and other vegetation. The site has previously been subject to considerable disturbance and bordered by a road to the north, residential dwellings to the south-west, and the on-going active development site of eight dwellings to the north-east, wrapping around the site to the south (consented under 16/01492/OUT (and 20/00499/RMA and subsequent amendments).

- 4.2 A gate provides vehicular/foot access from Chapel Lane. Recent highway upgrade works means that a lit footpath now runs directly to the front of the application site, providing access into the centre of Wicken.
- 4.3 The application site contains a number of trees, as well as very dense undergrowth. The site falls within a green and amber risk zone for Great Crested Newts.
- 4.4 The site does not lie within proximity to any listed buildings, structures or monuments, and is not within or near to a Conservation Area.
- 4.5 The site falls wholly within Flood Zone 1 (lowest risk). There are no public rights of way adjoining or directly affect by the application site/proposals.
- 4.6 The Wicken Fen National Nature Reserve, a Site of Special Scientific Interest, is situated approximately 1 km (c.0.6 miles) to the southwest of the application 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) - 28 October 2022

States: “• East Cambs District Council will not enter private property to collect waste or recycling, therefore 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, this is especially the case where bins would need to be moved over long distances; 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). • Under 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 (delivery and administration) of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011. • Each new property requires a set of receptacles; the contribution is currently £53 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council. • Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.”

Environmental Health (Domestic) - 1 November 2022

States: "In addition, due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday
07:30 - 13:00 on Saturdays and
None on Sundays or Bank Holidays

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

Also, from looking at a satellite view of the site it would appear as though there is a large amount of greenery which would have to be removed in order for the development to go ahead. For this reason I would advise no burning of waste on site during the construction or clearance phases due to the close proximity of existing residents.

I have read the Design and Access Statement which mentions that the dwellings will be served by ASHPs. I would recommend the following condition to control the noise generated by these -

"The specific rated noise level emitted from the air source heat pumps shall not exceed the existing background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019."

No other comments to make at this time but please send out the environmental notes."

Environmental Health (Domestic) - 5 April 2023

States: "Peter will respond separately with his comments concerning land contamination.

I have no additional comments to make at this time."

Environmental Health (Scientific) - 11 November 2022

States: "Thank you for consulting me on the above application. As stated in the Existing Use section of the application form, where land contamination is known or

suspected, or the proposed use would be particularly vulnerable to the presence of contamination, an appropriate contamination assessment will be required with the application. The site has been a builders yard, and residential use is a proposed use that would be particularly vulnerable to the presence of contamination. The applicant will need to supply an appropriate contamination assessment with the application.”

Environmental Health (Scientific) - 20 April 2023

States: “I have read the Phase 1 Desk Study Report dated December 2022 prepared by Ground Engineering and accept the findings. The report recommends that a Phase 2 site investigation is carried out to include a ground contamination assessment. I recommend that standard contaminated land conditions CM1A and CM4A are attached to any approval.”

Parish - 16 November 2022

States: “Does the Parish Council have any concerns about the application? Yes
Can these concerns be addressed by;

- a. amendments to the scheme No
- b. conditions to be applied to any permission no
- c. outright refusal of permission Yes

The Parish Council strongly objects to this application due to the following reasons:

- o The Parish Council rejects and disagrees with the use of the 'potential deviation' as a route to obtain planning
- o The proposal is outside the defined development envelope for Wicken
- o Wicken has particularly suffered with speculative development that has yet to be assimilated into the small community so allowing more seems contrary to the fully adopted Local Plan 2015.
- o The proposal is deemed Over development of the site due to the mass, scale, bulk and closeness of the proposed dwellings to each other and next door.
- o The proposal is deemed to have poor design and not in keeping with other nearby dwellings.
- o It is not in keeping with the street scene as these large houses are amongst bungalows and cottages some of which are yet to be built.
- o Existing concerns with the surrounding development being built by the same developers. These concerns have been made to ECDC planning department and the LLFA regarding drainage issues and overflowing water from the site on to the highway.
- o Single track road with the cars from the proposed development turning on to a very narrow section of the Chapel Lane.
- o Concern that the development will cause detriment to road users during building as there is no allocated area for works' vehicles to park or turn without blocking the Lane to others.
- o No biodiversity net gain
- o Known drainage issues with the neighbouring property, having flooded in the past.
- o This site has been used for agricultural and building storage in the past so recommend the need for a contamination report.
- o It should also be noted that this location and application has nothing to do with No 42 Chapel Lane which is a privately occupied residence with no connection to JD Developments.”

Parish - 12 April 2023

States: "The Parish Council strongly objects to this application due to the following reasons:

- The Parish Council rejects and disagrees with the use of the 'potential deviation' as a route to obtain planning
- The proposal is outside the defined development envelope for Wicken
- Wicken has particularly suffered with speculative development that has yet to be assimilated into the small community so allowing more seems contrary to the fully adopted Local Plan 2015.
- The proposal is deemed Over development of the site due to the mass, scale, height bulk and closeness of the proposed dwellings and adjacent dwellings.
- The proposal is deemed to have poor design and not in keeping with other nearby dwellings.
- It is not in keeping with the street scene as these large houses are amongst bungalows and cottages some of which are yet to be built.
- Existing concerns with the surrounding development being built by the same developers. These concerns have been made to ECDC planning department and the LLFA regarding drainage issues and overflowing water from the site on to the highway.
- Single track road with the cars from the proposed development turning on to a very narrow section of the Chapel Lane.
- Concern that the development will cause detriment to road users during building as there is no allocated area for works' vehicles to park or turn without blocking the Lane to others.
- No biodiversity net gain. The proposal is to fell 7 healthy trees including ash trees
- Known drainage issues with the neighbouring property, having flooded in the past.
- This site has been used for agricultural and building storage in the past so recommend the need for a contamination report."

Parish - 13 July 2023

States: "Wicken Parish Council stands by our list of concerns submitted on 12 April 2023 along with our response to the planning consultant sent to ECDC in April. Our list of concerns remain as below.

The Parish Council strongly objects to this application due to the following reasons:

- The Parish Council rejects and disagrees with the use of the 'potential deviation' as a route to obtain planning
- The proposal is outside the defined development envelope for Wicken
- Wicken has particularly suffered with speculative development that has yet to be assimilated into the small community so allowing more seems contrary to the fully adopted Local Plan 2015.
- The proposal is deemed Over development of the site due to the mass, scale, height bulk and closeness of the proposed dwellings and adjacent dwellings.
- The proposal is deemed to have poor design and not in keeping with other nearby dwellings.
- It is not in keeping with the street scene as these large houses are amongst bungalows and cottages some of which are yet to be built.
- Existing concerns with the surrounding development being built by the same developers. These concerns have been made to ECDC planning department and the LLFA regarding drainage issues and overflowing water from the site on to the highway.

- Single track road with the cars from the proposed development turning on to a very narrow section of the Chapel Lane.

Concern that the development will cause detriment to road users during building as there is no allocated area for works' vehicles to park or turn without blocking the Lane to others.

- No biodiversity net gain. The proposal is to fell 7 healthy trees including ash trees
- Known drainage issues with the neighbouring property, having flooded in the past.
- This site has been used for agricultural and building storage in the past so recommend the need for a contamination report."

Local Highways Authority - 4 November 2022

States: "I do not object to the principle of this application, however some additional detail / clarification is required.

In addition the inter-vehicular visibility (which is shown to be achievable), there needs to be 2m x 2m pedestrian visibility splays either side of the access, measured to the back of the footway. Such splays need to be kept free from obstruction from a height of at least 600mm above footway level and should therefore be shown on the submission drawings. The splays must be contained within the application boundary and / or the public highway.

The shared drive is to be drained by permeable paving. This is not acceptable to the LHA in isolation due to the onerous maintenance requirements and the tendency for the system to fail. Therefore, additional means of surface water interception is required, such as a channel drain, to prevent private water discharging onto the highway.

I would like to invite the applicant to respond to the above comments, prior to making any final recommendations."

Local Highways Authority - 14 November 2022

States: "The revised site layout as shown on drawing 1103-03 Revision B has addressed my previous comments and as such, I have no objection to the application.

Please append the following conditions and informative to any permission granted:
Conditions

HW8A: 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 1103-03 Revision B.

HW16A: Prior to first occupation or commencement of use the proposed on-site turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 1103-03 Revision B and thereafter retained for that specific use.

HW20A: Prior to the commencement of the use hereby permitted visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the back of footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway.

Informative

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's

responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.”

Graham Moore - Middle Level Commissioners Middle Level Drain - 1 November 2022

States: “The application proposes discharging surface water into an existing system that has been previously agreed by the Board. Therefore, this discharge will require the consent of the Board before any works commence on site. This is to ensure that the proposed discharge rates are acceptable and will not overload the Board's system.”

ECDC Trees Team - 25 November 2022

States: “I'm concerned that the submitted arboricultural report is recommending the removal of tree T1, T2, T3 and T4 despite it stating that these trees are located off site so in 3rd party ownership though this is confusing as the plan shows the trees located within the site boundary, clarification of the ownership and location of these trees is required prior to determination of the application.

Tree T7 which is located on the neighbouring property is identified as requiring its crown reduced by 3m back to the vertical boundary reducing its crown spread by 60% and its roots also being cut back to the boundary resulting in a 10.5% loss of its root protection area so as to create sufficient space for the development, not only will this result in a misshapen tree that will require repeated pruning so that it doesn't become a legal nuisance to the proposed property but these works will effect the trees vitality and stability. The Construction (Design and Management) Regulations (2015) states that developers and contractors have responsibilities for health and safety as a result of their actions. Should trees be left in an unstable or hazardous condition the Health and Safety Executive (HSE) could seek to prosecute those responsible along with the potential for further Civil claims for damages.

Tree T8 is also located on the neighbouring property is identified as requiring its crown reduced by 2m back to the vertical boundary reducing its crown spread by 66% and its roots also being cut back to the boundary resulting in a 26% loss of its root protection area so as to create sufficient space for the development which result in the same issues as tree T7.

The pruning of roots and crowns to facilitate development shows that sufficient space has not been provided to allow for the future growth potential of the trees and a lack of suitable consideration required as trees are a material consideration in the UK planning process.

For the reasons above I object to this application at this time.”

ECDC Trees Team - 5 June 2023

States: “The revised arboricultural information corrects the previous tree locations though I'm still concerned that it down grades the categorisation of the existing trees on site to a C category yet states that 'The tree displays a good physiological condition with a large amount of foliage throughout the canopy.' This statement is used for trees T1, T2, T3, and T4. If a tree is down graded from an A category to a C as in this case I would expect some form of justification for this, if these trees

were a category A or B these 4 trees alone would required replacement with 10 new trees to comply with policy SPD.NE8: Trees and Woodland Natural Environment Supplementary Planning Document 2020. Tree T1 is of a size that is significant to the landscape with a stem diameter of 400mm the trees height is given as 8m but the street view images from 2011 indicate it was taller than this then and there is no information stating that the trees height has been reduced and the images in the ecology report indicate that the tree is more likely to be 12-14m in height therefore I can only assume that this height measurement is a typo. the majority of the trees on site have been stated as having a prospective life expectancy of 10 years+ the second lowest category available yet they are either semi mature or young trees with no significant defects listed. The existing tree species on site will not be suitable for the current layout but they should be considered for retention but this may require an alteration to the sites layout due to the issues with the AIA as described.

From looking at street view images of this site from 2011 the front section of area A1 facing Chapple Lane was managed as a hedge that has since been neglected, because of the sites location and there previously being a mixed native species hedge in this location when the soft landscaping scheme is confirmed a new mixed native species hedge should form the front boundary to the site.

Although the space for trees T7 and T8 has been increased and the requirement for their crown reductions removed I'm still concerned that there will be little room for the future growth potential of these 3rd party owned trees and that linear root pruning is still required in order to facilitate the proposed development.

The indicated tree species is Malus Profusion a red leaved, red flowered and red fruited Crab apple that will not be suitable for the indicated locations due to its fruit proliferation which will fall onto the highway and parking areas attracting unwanted insects such as Wasps and Ants, when squashed by moving vehicles the pulp will create a skid risk to the road and slip risk for residents as the fruit are small and round they can act like marbles when they first fall adding to the injury risk. The proposed locations for the trees could also conflict with the site drainage and as such could require technical solutions to reduce this possibility such as root barriers etc. the details of the soft landscaping scheme could be agreed by condition if the application is approved.

I have concerns about some of the information in the submitted AIA as stated above and that given the extent of vegetation removal it is currently only indicated that 4 trees will be planted to the front of the site no other planting is indicated. The details of the sites drainage and service runs has also not provided these details should be provided in tandem with the soft landscaping details so as to avoid any conflict. Due to the issues with the tree information provided it is not possible to support this application at this time.”

ECDC Trees Team - 19 June 2023

States: “Response to the arboricultural consultants comments;

If trees are to be classified as a category C tree there should be some justification for this provided such as stating they are unremarkable of limited merit, just giving them a C category while stating that 'The tree displays a good physiological condition with a large amount of foliage throughout the canopy.' Does not provide any information as to why any tree is not a category A which is the initial category every tree should start at being down grade via visual observations such as the

trees health, vitality, condition, habit etc. with these visual observations being recorded so that the tree assessor's process can be understood and justified.

The trees current condition was assessed via a site visit and site photos the mention of using google street view was purely in relation to observable features such as the front boundary hedge comments which supported the consultants opinion of these trees. Regarding tree T1 the mention of the out of date street view images was in relation to this trees given dimension's not matching up with current site photos in the ecology report and knowledge of the tree species and its expected height dimension's when growing in a location such as this.

The mention of the numbers of replacement trees was in relation to the lack of information that supported the consultants categorisation and the information now provided giving reasons for the classifications negates the issues relating to required replacement planting , it is a shame the consultant did not provide any reasoning for the classifications prior to being asked to provide some as this would have saved everyone a lot of time and associated costs.

Trees and their future are a material consideration of the planning system, the legal common law rights to prune trees back to the boundary should not be an excuse for allowing development that harms the trees future viability this would be negligent of the local planning authority.

As the arboricultural consultant has now provided some justification for their tree categorisations I can accept them as provided. I still have concerns regarding the long term futures of trees T7 and T8 but this is likely to be minor in the scheme of things.

The revised soft landscaping scheme is also now acceptable please condition its compliance.”

CCC Growth & Development - No Comments Received

Cambs Wildlife Trust - No Comments Received

Ward Councillors - No Comments Received

5.2 A site notice was displayed near the site on 01/11/22 and a press advert was published in the Cambridge Evening News on 3 November 2022.

5.3 Neighbours – 26 neighbouring properties were notified and the four responses received are summarised below. Full copies of the responses are available on the Council's website.

Comments in support (Two)

- Benefit of new homes;
- New build quality dwellings;
- Benefitting charm and appearance of Wicken;
- Site is unsightly in its current form;
- Vital for village life to prevent loss of services and facilities;
- Planning envelope is outdated and character of the area has changed, no longer rural/countryside;

- Chapel Lane has been upgraded with footpath and is effectively near the centre of Wicken;
- Variety of development is attractive;

Comments in opposition (two)

- Overlooking of properties to the south/rear and No.38A;
- Overdevelopment of the site (mass, scale, bulk and proximity);
- Not in keeping with the landscape;
- Not in keeping with existing development;
- Dwellings are very large;
- Concerns that trees will be affected by the development, in combination with existing upgrade works to the footpath;
- Mature trees within the application site will be lost as will hedgerows;
- Visibility of the site will be restricted by trees/hedgerows proposed;
- If insufficient parking on site, there will be parking on the road/footpath;
- Increase in vehicle traffic;
- Not enough on-site parking;
- Loss of green space;
- Concerns over tree/hedge ownership
- Concerns over surface water and sewerage system capacity;
- Outside of the defined development envelope for Wicken;
- Highway safety on the single-track road and passing;
- Wildlife impact;
- No public transport;
- Only two churches in the village, not three;

6.0 THE PLANNING POLICY CONTEXT

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 1 Levels of housing, employment and retail growth

GROWTH 2 Locational strategy

GROWTH 3 Infrastructure requirements

GROWTH 5 Presumption in favour of sustainable development

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

HOU 1 Housing Mix

HOU 2 Housing density

HOU 3 Affordable housing provision

COM 7 Transport impact

COM 8 Parking provision

6.2 *Supplementary Planning Documents*

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

Flood and Water

Developer Contributions and Planning Obligations
Natural Environment SPD
Design Guide
Climate Change SPD

- 6.3 *National Planning Policy Framework 2021*
2 Achieving sustainable development
4 Decision-making
9 Promoting sustainable transport
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
- 6.4 *Planning Practice Guidance*
Nationally Described Space Standards March 2015

7.0 **PLANNING COMMENTS**

7.1 Principle of Development

- 7.2 The application site is located outside of the development envelope for Wicken. Officers consider therefore that the starting point should be to consider the proposal as a departure from the Development Plan. It is considered that permission should not normally be granted unless there are material considerations which can be afforded sufficient weight to justify a departure from policy.
- 7.3 Wicken is a small village situated 6 miles south of Ely. The village is centred on three greens that form the heart of a Conservation Area. The parish is home to Wicken Fen, the first nature reserve acquired by the National Trust. Wicken has limited services, which include a village hall, a public house and a bus service to Soham and Ely which runs one day per week (Thursdays)
- 7.4 The application site, although outside of the development boundary, would be located off Chapel Lane, which is c.450 metres from the High Street. The site is therefore within a short walking distance of the village centre and the village facilities referred to above.
- 7.5 To the east and south-east of the site, eight dwelling approved under LPA Ref. 16/01492/OUT (and 20/00499/RMA and subsequent amendments), consented during a period whereby the Council could not demonstrate a 5-Year Housing Land Supply. This previous approval had the effect of infilling a large gap in development along Chapel Lane, connecting this development to the existing linear development along Drury Lane to the east.
- 7.6 Previously, a further seven dwellings were approved under LPA Ref. 16/00024/OUT (and 19/01033/RMA with subsequent amendments) to the west/south-west of the application site, infilling another gap in development along Chapel Lane.

- 7.7 The proposal subject to this application would therefore be bound on three out of four of its boundaries by residential development, with a highway forming the fourth boundary. The site is therefore in effect an infill plot.
- 7.8 Therefore, although the site is outside of the development framework and is technically in a 'countryside location', the situation on the ground is that the site will be increasingly enclosed by residential development with the continued construction of dwellings adjoining the application site to the east/south-east, as well as construction of development to the west/south-west. The site is also not considered to significantly contribute to the character or openness of the countryside, by virtue of its enclosure by existing and planned (implemented) development. With the surrounding approved consents in mind, the proposal would not be introducing residential development in an open countryside location. This section of Chapel Lane is now becoming built-up to such a degree that a further two dwellings in an undeveloped gap in-between existing development would not be out of place.
- 7.9 The location of the site is considered to be relatively sustainable for a dwelling in locational terms. On account of the adjoining consent, the proposed development would be served by a new lit footpath providing direct access into the centre of Wicken and its services, only c.450-metres in distance from the application site.
- 7.10 Whilst contrary to Local Plan Policy GROWTH 2, the change in the character of the area through the provision of recently approved housing development amounts to a material consideration of significant enough weight that justifies a decision at variance with the development plan. This is on the basis of the unique location of the application site therefore meaning the development is considered to be acceptable in relation to the location of development, and that the introduction of two dwellings would not amount to unsustainable development for the reasons given.
- 7.11 It is also considered that as per Paragraph 79 of the National Planning Policy Framework, so as to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It is considered that whilst only a modest contribution to the vitality of the rural community of Wicken, in the overall planning balance, the contribution of the two dwellings weighs in favour of the proposed development in this location.
- 7.12 Consideration has also been given to the relationship of the site with the adjoining eight dwellings, and whether there has been a purposeful subdivision of the sites. On the basis of planning history, land ownership and the nature of the separate planning units, it is considered that the proposed developments are distinct from one another, and have not been purposefully subdivided. The development proposed will therefore be treated as independent from the adjoining eight dwellings. This means Policies HOU 1 and HOU 3 relating to housing mix and affordable housing provision do not apply.
- 7.13 Residential Amenity
- 7.14 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 130(f) of the NPPF requires proposals to ensure

that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users. The Design Guide SPD requires that, in most cases, rear private amenity space should be a minimum of 50 square metres.

- 7.15 The proposed dwellings would provide a good outlook, light receipt and internal and external amenity space for prospective occupiers.
- 7.16 With regard to impacts upon nearby occupiers, on account of their design (including fenestration), siting and scale, the proposed dwellings are not considered to result in any significantly detrimental impacts in terms of overlooking, overshadowing, overbearing, loss of light or loss of privacy upon nearby adjoining residential occupiers to the east, south-east, south and west.
- 7.17 This is subject to conditions requiring the side facing first floor main bathroom windows within both dwellings (facing north-east and south-west respectively) are obscure glazed to prevent overlooking to adjacent occupiers given the proximity of the dwellings to the shared boundaries.
- 7.18 The fourth bedroom in both dwellings have secondary high level windows facing onto each other, in between the shared driveway. Given the separation and high level nature of these windows, it is not considered necessary to obscure-glaze these windows to protect the residential amenity of prospective occupiers.
- 7.19 For the reasons outlined, the proposed development is considered to result in acceptable residential amenity impacts upon existing and prospective occupiers by virtue of its design, siting and scale, subject to the imposition of the conditions set out above. The proposed development is therefore considered to comply with the objectives of Policy ENV 2 of the Local Plan, the Design Guide and the NPPF.
- 7.20 Visual Amenity and Heritage
- 7.21 Policy ENV1 of the ECDC Local Plan 2015 seeks to ensure that proposals provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements. Policy ENV2 of the ECDC Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other.
- 7.22 The Design Guide states that, in most cases, building plots should be approximately 300 square metres (c.3229sqft), and that the footprint of any proposed development should be no more than approximately one third of the plot size. Paragraphs 126 to 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.
- 7.23 Existing development along Chapel Lane varies in scale, character and siting, with a collection of two-storey gable-fronted dwellings as well as bungalows, chalet-bungalows. A number of dwellings are gable fronted, with others containing dormers or of typical rural cottage proportions. There is no overriding architectural characteristics within the street-scene.

- 7.24 The proposed development has therefore been designed so as to assimilate with the adjoining development consented under LPA Ref. 16/01492/OUT (and 20/00499/RMA) in design and materials.
- 7.25 The originally submitted proposals were considered to comprise a sub-standard quality of development, given the unduly dominant front gable projections, which were off-centred and considered to be visually jarring within the street-scene. Following a round of discussions, the Applicant provided an acceptable revised scheme, which proposed pared-back traditional frontages to the dwellings.
- 7.26 The proposed dwellings incorporate rear conservatories, and whilst these are not considered to represent the highest quality of development, they are commonplace within the adjoining approved development of eight dwellings, and would not be visible within the street-scene.
- 7.27 It is therefore considered that on balance, by virtue of their design, scale and siting, the proposed development would provide a complementary form of development that assimilates well into the street-scene, and would conserve and enhance the character and appearance of the area.
- 7.28 Whilst the LPA are unable to rely solely on planting to justify the visual impacts of proposals, which should be acceptable in their own right, the design and scale of the proposals are considered to be acceptable and appropriate for this location; the proposed planting will, in this instance, assist in the assimilation and visual softening of the proposed dwelling within this rural location and within the street-scene, as well as making a genuine contribution to the enhancement of biodiversity within the site. The re-provision of a treed frontage with a hedgerow also ensures a soft edge to the development to minimise the urbanising impacts of the proposals, and complement the rural character of the area.
- 7.29 The areas of proposed hard landscaping are also kept to a minimum, and the proposed 1.8-metre (c.6ft) close-board fencing enclosing the rear gardens to the dwellings is also considered to be appropriate in the location shown, given the existing urbanisation of the wider area. However, this type of fencing is not considered to be acceptable forward of the front elevations of the dwelling, which is more open, treed and rural in nature. On this basis, it is considered pertinent to restrict permitted development rights for gates, fences, walls and other means of enclosure forward of the front elevations of the dwellings in the interests of protecting visual amenity, given the open nature and rural location of the application site.
- 7.30 It is also considered pertinent to restrict permitted development rights for alterations to the proposed dwellings such as extensions, roof addition, windows and porches, in the interests of protecting visual amenity and to ensure the negotiations undertaken as part of this submission are not undermined.
- 7.31 The proposed dwelling satisfies the requirements of Policy HOU 2 and the Design Guide SPD with regard to density, plot size and coverage.
- 7.32 For the reasons provided above, whilst the proposals will be visible within the street-scene, given their scale, location and design, the visual amenity impacts of the

proposals are considered to be acceptable in accordance with Policies ENV 1, ENV 2 and HOU 2 of the ECDC Local Plan 2015, the Design Guide SPD and the guidance contained within the NPPF.

7.33 Other Material Matters

7.34 Highways – the proposed development provides policy-compliant levels of on-site parking for vehicles and bicycles. The Local Highways Authority raise no objections to the proposed development in terms of highway safety, subject to conditions relating to controls over the erection of gates, fences, walls across the site's vehicular access; visibility splays; and the provision of parking and turning spaces within the site. These conditions are considered to be necessary in the interests of highway safety in accordance with Policy COM 7 and COM 8 of the Local Plan and the NPPF.

7.35 Ecology and Biodiversity – there are a number of trees within the application site, all of which are Category C or below. There are also a number of off-site trees that overhang the application site outside of the control of the Applicant.

7.36 The Applicant has also undertaken a Preliminary Ecological Appraisal (PEA) of the site and the Wildlife Trust were consulted. With regard to the loss of trees, a total of six on-site trees are proposed to be removed, as well as one 'landscape feature' (this being a dense undergrowth with a variety of tree species). A total of seven trees are proposed within the application site as replacement planting, as well as a hedge planting along the site's road frontage. Given the categorisation of the trees, in accordance with the Tree Officer's comments, the replacement planting scheme is considered to be acceptable to compensate for the loss of trees and current landscape features, as well as providing a biodiversity net gain through the provision of higher quality planting and improved site management, as well as biodiversity enhancement features incorporated throughout the site.

7.37 Tree protection details will be secured via a condition in accordance with details submitted on the tree protection drawing.

7.38 On the basis of the PEA submitted and in the absence of any objection from the Wildlife Trust, the proposed development site is considered to be a small area of land of relatively low ecological value on the basis of the current habitats it provides and the historic land uses associated with it. The site is considered unlikely to result in any significant disturbance upon protected species.

7.39 Notwithstanding, the site is considered likely to provide some habitat for nesting birds, and whilst no bat activity was noted within the site itself, retained trees surrounding the application site may still provide foraging habitat. The proposed development is considered unlikely to result in the disturbance of any other protected species. The PEA makes recommendations with regard to tree/clearance works during bird nesting season, as well as controls over artificial lighting. Informatives will therefore be added to any consent regarding the necessary licences, procedures and protections (i.e. clearing the site outside of nesting season) afforded to protected species, which exist outside of the Planning System, but by which any applicant and/or developer are still bound.

- 7.40 It is considered that, subject to conditions securing soft landscaping and biodiversity enhancement details, the proposed development would be acceptable in accordance with Policies ENV 1 and ENV 7 of the Local Plan, the Natural Environment SPD and the NPPF.
- 7.41 Flood Risk and Drainage – the application falls wholly within Flood Zone 1 and is therefore at a low risk of flooding. The proposed development will be served by a drainage channel at its vehicular access point with Chapel Lane, and a permeable driveway. The proposed development is seeking to drain into the existing mains sewer for both foul water, as agreed on the adjoining application site of eight dwellings. Surface water is proposed to drain to the existing roadside along Chapel Lane, via a piped system from the permeable driveways proposed. The IDB raise no objections to the proposed drainage infrastructure but note the Board’s consent is required. Subject to a condition securing a drainage strategy for the site, the proposed development is therefore considered to be compliant with Policy ENV 8 of the Local Plan, the Flood and Water SPD and the NPPF.
- 7.42 Contamination and Pollution – the Environmental Health (Scientific) Officer has reviewed the contamination report submitted with the application, and agrees with the findings. The Scientific Officer therefore recommends, in accordance with the conclusions of the report, that further site investigation into contamination is required prior to works on site commencing. A safeguarding condition regarding unexpected contamination will also be imposed upon the consent.
- 7.43 The Environmental Health (Domestic) Officer has requested conditions pertaining to ground piling, construction hours and no burning of materials within the application site. Ground piling and construction hour conditions are considered to be necessary in the interests of protecting residential amenity of surrounding occupiers. An informative relating to burning of waste will be added to any consent as standard for applications of this nature.
- 7.44 Climate Change and Sustainability - The proposed development is to be served by air-source heat pumps, water butts, electric vehicle charging points. The proposed development will also be subject to the increased Building Control standards for construction. On this basis, the proposed development is considered to satisfy the objectives of Policy ENV 4 of the Local Plan, as well as the objectives of the Climate Change SPD and the NPPF in seeking to secure reduced-energy and sustainable developments.
- 7.45 Planning Balance
- 7.46 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.47 Whilst the site does not form one of the exceptions of GROWTH 2, it is considered that the change in the character of the area (through the introduction of recently permitted residential dwellings surrounding the application site) amounts to a material consideration that justifies a decision at variance with the Development Plan. It is considered that the introduction of two dwellings in this location would not significantly alter the character of the area, particularly comprise an infill plot. It is

also considered to be a sustainable location in respect of its proximity and access to Wicken and the services provided, as well as providing a modest contribution in supporting the vitality of the rural community.

7.48 The proposed development is considered to be acceptable in all other respects.

7.49 The application therefore recommended for approval.

8.0 APPENDICES

8.1 APPENDIX 1 - 22/01229/FUL Conditions

Background Documents

22/01229/FUL
16/01492/OUT
20/00499/RMA
20/00709/DISA
20/00499/NMAA
20/00709/VAR
20/00499/NMAB

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 - 22/01229/FUL Conditions

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

Plan Reference	Version No	Date Received
1103-02	D	26th June 2023
1103-03	G	26th June 2023
1103-01	D	26th June 2023
Arboricultural Impact Assessment		22nd February 2023
9811-D-AIA		22nd February 2023
C15825 Phase 1 Report		22nd February 2023
Preliminary Ecological Assessment		22nd February 2023
Planning Design and Access Statement		20th October 2022
1103-04		20th October 2022

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until 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 'Land Contamination Risk Management' (LCRM), Environment Agency, 2020. 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.

- 3 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.

- 4 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.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 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: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 The foul and surface water drainage scheme as shown on Drawing Ref. 1103-03 REV G shall be implemented prior to first occupation of the hereby approved development and thereafter maintained.
- 7 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 8 All soft landscaping works shall be carried out in accordance with the approved details as shown on Drawing Ref. 1103-03 REV G. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. 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 assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 All hard-landscaping works shall be carried out in accordance with the approved details set out at Section 1.19 of the Planning, Design and Access Statement prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 9 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to first occupation or commencement of use the proposed on-site parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan Drawing Ref. 1103-03 REV G and thereafter retained for that specific use.
- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to the commencement of the use hereby permitted visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the back of footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 The materials to be used in the construction of the external surfaces of the development shall be either:
a. As detailed on Section 1.19 of the Planning, Design and Access Statement; or,
b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.
- All works shall be carried out in accordance with the approved details.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on Drawing Ref. 1103-03 REV G. The boundary treatments shall be in situ and completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details and retained thereafter
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers and assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development)(England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no development within Class A of Part 2 of Schedule 2 of the Order shall take place on site between the front elevations of the hereby approved dwellings and the carriageway of Chapel Lane (as defined by Drawing Ref. 1103-03 REV G) unless expressly authorised by planning permission granted by the Local Planning Authority.

- 14 Reason: To assimilate the development into its surroundings, and safeguard the residential amenity of surrounding occupiers and in the interests of highway safety, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A, B, C and D of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 The first floor windows in the north-east side elevation of Plot 1 and in the south-west side elevation of Plot 2 (both shown to be serving a bathroom on Drawing Ref. 1103-01 REV D and 1103-02 REV D) shall be glazed using obscured glass and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 The biodiversity improvements set out at Section 1.16 of the Planning Design and Access Statement shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 17 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 18 The specific rated noise level emitted from the air source heat pumps shall not exceed the existing background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 The tree protection measures as shown on Drawing Ref. 9811-D-AIA (dated 14/02/2023) (and set out within the Arboricultural Impact Assessment prepared by Haydens dated 15/02/2023) shall be implemented prior to the commencement of 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.

- 19 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, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD.

23/00483/FUL

135 The Butts

Soham

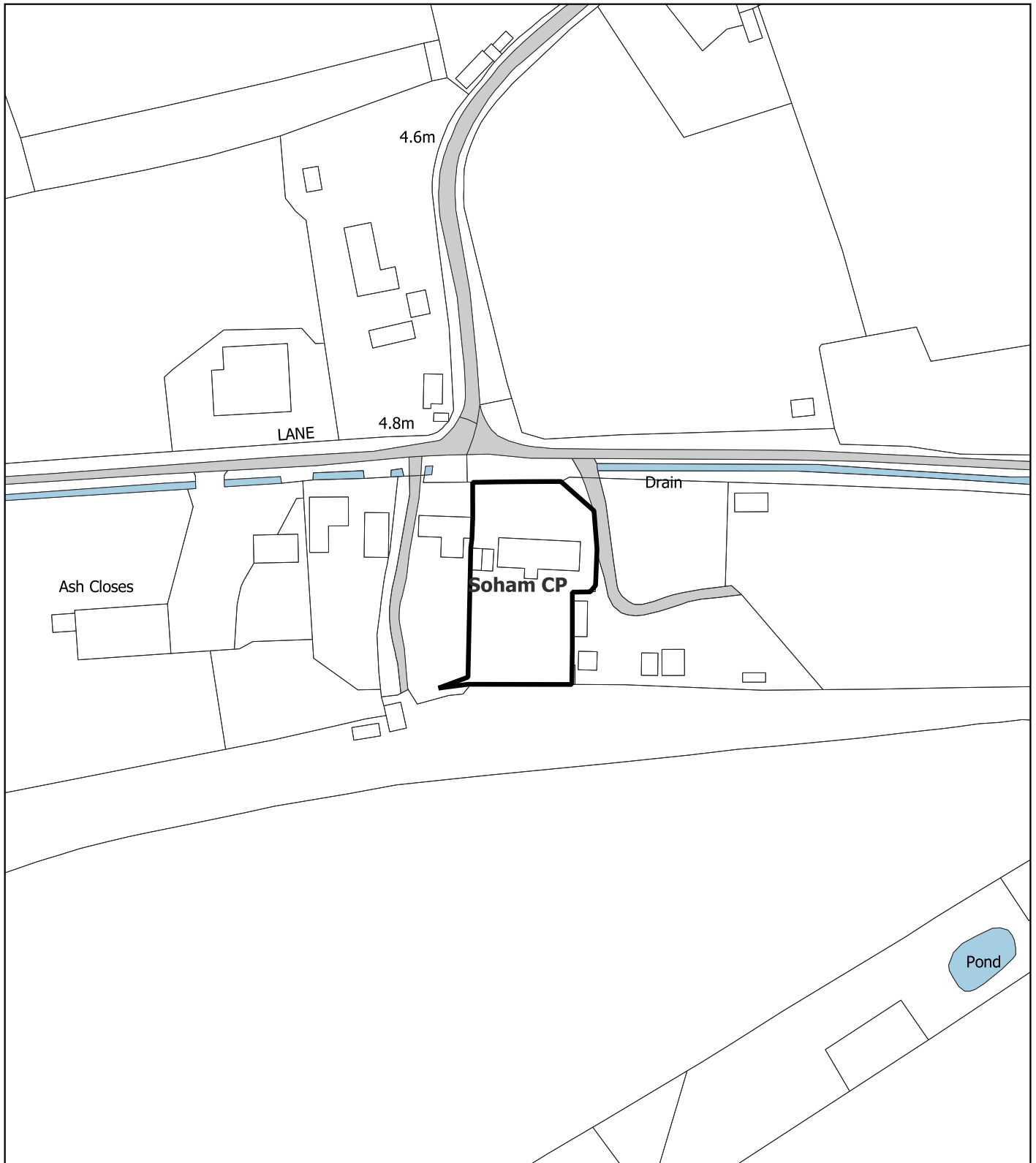
Ely

Erection of outbuilding and associated works - retrospective

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RTF5R8GGKFA00>





23/00483/FUL

135 The Butts
Soham



East Cambridgeshire
District Council

Date: 17/07/2023
Scale: 1:1,500



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TITLE: 23/00483/FUL

Committee: Planning Committee

Date: 2 August 2023

Author: Planning Assistant

Report No: Y30

Contact Officer: Lisa Moden, Planning Assistant
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01353 616210
Room No 011 The Grange Ely

Site Address: 135 The Butts Soham Ely Cambridgeshire CB7 5AW

Proposal: Erection of outbuilding and associated works - retrospective

Applicant: Mrs E Gabriel

Parish: Soham

Ward: Soham South

Ward Councillor/s: Ian Bovingdon
Lucius Vellacott

Date Received: 20 April 2023

Expiry Date: 15 June 2023

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE the application for the following reason:

1. In the opinion of the Local Planning Authority the development, by virtue of its excessive scale in relation to surrounding buildings, inappropriate materials for a building within a residential curtilage and prominent location close to public rights of way and prominence in the wider countryside; Would fail to visually protect or enhance the existing character and appearance of the surrounding area. The proposal would form a prominent mass of development that would appear un-harmonious with the surrounding built form and would not respect the existing character and appearance of the host dwelling or wider countryside. The development in this regard would conflict with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the aims and objectives of Chapter 12 of the NPPF that seek to ensure that development proposals demonstrate that their scale, form and design and materials create positive, complimentary relationship with existing developments, and that developments compliment local distinctiveness.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks part retrospective householder planning permission for the erection of a domestic outbuilding along with associated works. The development has already commenced, where the steel frame can be seen in situ, however the external walls and roof have not yet been applied. The measurements of the proposed outbuilding are set out in the following table (Table 1):

	Metres	Feet
Ridge Maximum height	c.4.8	c.15.74
Eaves height	c.3.8	c.12.47
Length	c.12.3	c. 40.35
Width	c.7.75	c. 25.43
Internal Floor Area	c.84m ²	c. 904ft ²

- 2.2 The outbuilding will have an overall floor area coverage of approximately 95 square metres (1026 square feet). The proposed material for the external walls and roof is green box profile sheeting.
- 2.3 The current application has been called into Planning Committee by Councillor Bovington on the basis of *"the comments I have seen from the neighbour, the local parish and my detailed knowledge of the site I would like to call this in to committee for a decision as I feel the building permission should be allowed, but with a condition to supply some soft planting to the boundary with number 135A as they have suggested?"*.

The demolition of the original garage actually benefits the light for 135A and the location of the new building has very little impact on them in my opinion...

It would have more impact on the other neighbour who originally owned number 135 and they have no objection?"

- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

- 3.1 Relevant planning history to the application is provided below:

92/00067/OUT

Agricultural Dwelling

Approved

22 June 1992

92/00755/RMA

Horticultural Dwelling

Approved

20 January 1993

00/00413/FUL

Extension forming bedroom, utility and playroom, change of use from agricultural land to garden area

Approved

11 October 2000

Application on Land adjacent to 135 The Butts:

17/01060/FUL

Erection of 3 bedroom bungalow

Approved

22 August 2017

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises of a detached bungalow on the south-west fringe of Soham, which is located outside the policy defined development envelope. The site is not within a Conservation Area nor within the proximity of a Listed building or a Heritage Asset.

4.2 The site is rural in nature, with open fields to the north and south, however, the application site sits within a small cluster of residential dwellings where The Butts meets Cherrytree Lane.

4.3 The host dwelling is set back from the highway with a front garden, rear garden and driveway to the side of the dwelling.

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.

Soham Town Council - 23 May 2023

'No comment or objection'.

Consultee For Other Wards In Parish - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Enforcement Section - No Comments Received

Ward Councillors – 19th June 2023

Councillor Bovingdon states *"I have been asked to look at this by the client and agent for the landowner. On the basis of the comments I have seen from the neighbour, the local parish and my detailed knowledge of the site I would like to call this in to committee for a decision as I feel the building permission should be allowed, but with a condition to supply some soft planting to the boundary with number 135A as they have suggested?"*

The demolition of the original garage actually benefits the light for 135A and the location of the new building has very little impact on them in my opinion...

It would have more impact on the other neighbour who originally owned number 135 and they have no objection?"

Trees Officer – 19th July 2023

‘From the site photos it is clear that the mature Weeping Willow has suffered some root loss due to the excavations relating to the new driveway luckily this appears to have occurred only at the periphery of the root protection area which this species of tree can tolerate. The excavations for the level change in proximity to the rear hedge appear to have been undertaken at sufficient distance from the hedge so as not to significantly affect it and to allow space for its ongoing maintenance. It would be advisable to mulch the remaining rooting area of the Willow tree with wood chip to improve the soil health as mitigation for the roots lost this could be included in a soft landscaping scheme if one is deemed necessary to aid the integration of this structure into the surrounding area and soften its appearance.’

5.2 A site notice was displayed near the site on 9th June 2023.

5.3 Neighbours – two neighbouring properties were notified and the one response received is summarised below. A full copy of the response is available on the Council’s website.

- Affects the view/over-bearing/over-looking/residential & visual amenity/form and character - the height is the most concern, as above the recommended height of 4m. Also, with the proposed structure material and proposed plan, the building will look out of place and be an eyesore. Ask for something to be put up near the fence line so building cannot be seen, or amend the height.
- Landscape impact/odour issues - concern regarding dust and smells and whether soundproofing is needed for the associated works.
- Loss of privacy – ask what the associated work involves and concerns if this will involve more people or cars arriving at the property.
- Noise sensitive – concern proposed use of building would cause excessive noise and questioned timings of the work and requested building is soundproofed.
- Pollution issues – concern whether associated work would affect pollution.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational Strategy
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction

6.2 Supplementary Planning Documents

Design Guide

Climate Change

6.3 National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 4 Decision-making
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

7.0 **PLANNING COMMENTS**

7.1 The main material considerations when determining this application are:

- Visual amenity
- Residential amenity
- Climate Change
- Other material matters

7.2 **Visual Amenity**

7.2.1 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure they provide a complementary relationship with the existing development. Policy ENV2 states the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

7.2.2 The National Planning Policy Framework 2021 Paragraphs 126 and 134 require the creation of high quality, beautiful and sustainable buildings and places. They also state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

7.2.3 The Design Guide SPD states that wherever possible an outbuilding should be constructed within Permitted Development Rights. Where a larger building is required, the following criteria will have to be observed:

- The proposed building should be of the minimum size necessary
- The building should take account of the location in which it is to be set. This will affect its design, size, location, and finishing materials. It should not compete in any way, with the host dwelling;
- In countryside locations, where all building is strictly controlled, any domestic outbuilding will be constrained by the same restrictions that apply to other development in such a location. Outbuildings should not have the appearance/volume of a dwelling, as this will inevitably give rise to an unacceptable presence in the countryside, contrary to national policies to protect it;
- In countryside locations, preference should be given to extending an existing dwelling, rather than constructing another building.

- 7.2.4 The host dwelling sits in between a cluster of residential dwellings outside the defined development envelope. Within the immediate area, the host dwelling, and those dwellings either side are single storey bungalows (LPA Ref. 17/01060/FUL is being built out at present), which all look out onto open fields to the rear southern boundary. The plots in this cluster are large and spacious, which also contributes to the countryside setting of these dwellings.
- 7.2.5 The proposed outbuilding will be positioned in the rear garden of the host dwelling in the south-east corner adjacent to the eastern and southern boundaries. It has a double-pitched roof with a maximum proposed height of c.4.8m (15.74ft), length of c.12.3m (40.35ft) and a width of c.7.75m (25.43ft).
- 7.2.6 The Design Guide SPD states that an outbuilding should take account of the location in which it is to be set and this will affect its design, size, location, and finishing materials. It should not compete in any way, with the host dwelling. The outbuilding proposed would form a prominent mass of development that would not relate sympathetically to the character and appearance of the surrounding area. It would dominate the host dwelling due to its height and scale and give rise to an unacceptable presence in the countryside.
- 7.2.7 The overall scale and floor area of the proposed outbuilding is approximately 95m² (1026 square feet). Based on Technical housing standards minimum gross floor areas, this would be equivalent to a two-storey, three-bedroom dwelling and as such, would be contrary to the Design Guide SPD which also states that an outbuilding should not have the appearance/volume of a dwelling.
- 7.2.8 As stated in the NPPF, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The proposed outbuilding is not considered to add any architectural design or features to enhance the host dwelling, given the large proportions of the building, which lack any detailing. The materials proposed of green box-profile sheeting are commensurate of that associated with a commercial building and are not considered a high-quality material that would relate to a traditional domestic building.
- 7.2.9 The Design Guide SPD states that wherever possible an outbuilding should be constructed within Permitted Development Rights, where evidence and experience has indicated that such development is unlikely to give rise to significant planning issues. Under Permitted Development Rights if any part of the building is within 2m of the boundary of the curtilage of a dwelling, then the height limit for the total development is restricted to 2.5m. The proposed building has an eaves height of c.3.8m and a maximum height of c.4.8m, which both exceed the maximum height by a considerable amount.
- 7.2.10 In conclusion, the policies ENV 1 and ENV 2 of the Local Plan make clear that development proposals should seek to provide a complementary relationship with existing development, and should relate sympathetically to the surrounding area. The National Planning Policy Framework (NPPF), 2021 is clear that schemes of a poor design should be refused. It is considered that the proposal is not in keeping with the character and appearance of the area and is therefore contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, 2015 and the NPPF, 2021.

7.3 Residential Amenity

- 7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.3.2 The proposed outbuilding is located along the rear boundary of the host dwelling. Given the nature and siting of the outbuilding, and that no windows are proposed in the development, it is not considered that it will have an adverse impact on neighbouring amenity by virtue of loss of light, loss of privacy, overshadowing, overbearing or overlooking. Therefore, the development is considered to comply with policy ENV2 in respect of the impact on residential amenity.
- 7.3.3 Neighbour comments have been received regarding the loss of privacy concerning more cars or people arriving at the property. The application has been completed as a householder application and as such, has been assessed for domestic residential incidental use and that no intensification of the site is proposed.
- 7.3.4 Reference has also been made in the neighbour comment regards to the loss of view. However, the loss of a view is not a material planning consideration and cannot be taken into account.

7.4 Energy, water efficiency and renewable energy in construction:

- 7.4.1 Local Plan Policy ENV4 states: *'All proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable'* and *'Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.'* The adopted Climate Change SPD encourages all development to include sustainability measurements within their proposal. No measures have been put forward as part of the application. While this does weigh against the application, it would not form a reason for refusal in its own right.

7.5 Other Material Matters

7.5.1 Neighbour Comments

With regard to the comments in respect of noise, pollution and odours. As the proposed outbuilding has been assessed for domestic use, any concerns would be a matter for Environmental Health should these issues occur in the future.

7.6 Planning Balance

It is considered that the proposal would be unlikely to cause a significantly detrimental impact towards neighbouring dwellings. Notwithstanding this, the development fails to comply with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan. The proposal has a materially detrimental effect on the character and appearance of the area. The proposed outbuilding would dominate the existing site, and form a prominent mass of development that would not relate sympathetically to the host dwelling. This harm has been balanced against the need

for an outbuilding of this scale. It is considered that a smaller scale, less harmful outbuilding could be erected in order to meet a residential need without resulting in harm to visual amenity.

8 **APPENDICES**

None

Background Documents

23/00483/FUL
92/00067/OUT
92/00755/RMA
00/00413/FUL

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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Planning Performance – May 2023

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

Determinations

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Determinations	144	5	21	49	16	34	19
Determined on time (%)		100% (90% within 13 weeks)	76% (80% within 8 weeks)	96% (90% within 8 weeks)	100% (90% within 8 weeks)	74% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	134	4	18	47	14	32	19
Refused	10	1	3	2	2	2	0

Validations – 84% validated within 5 working days (ECDC target is 75%)

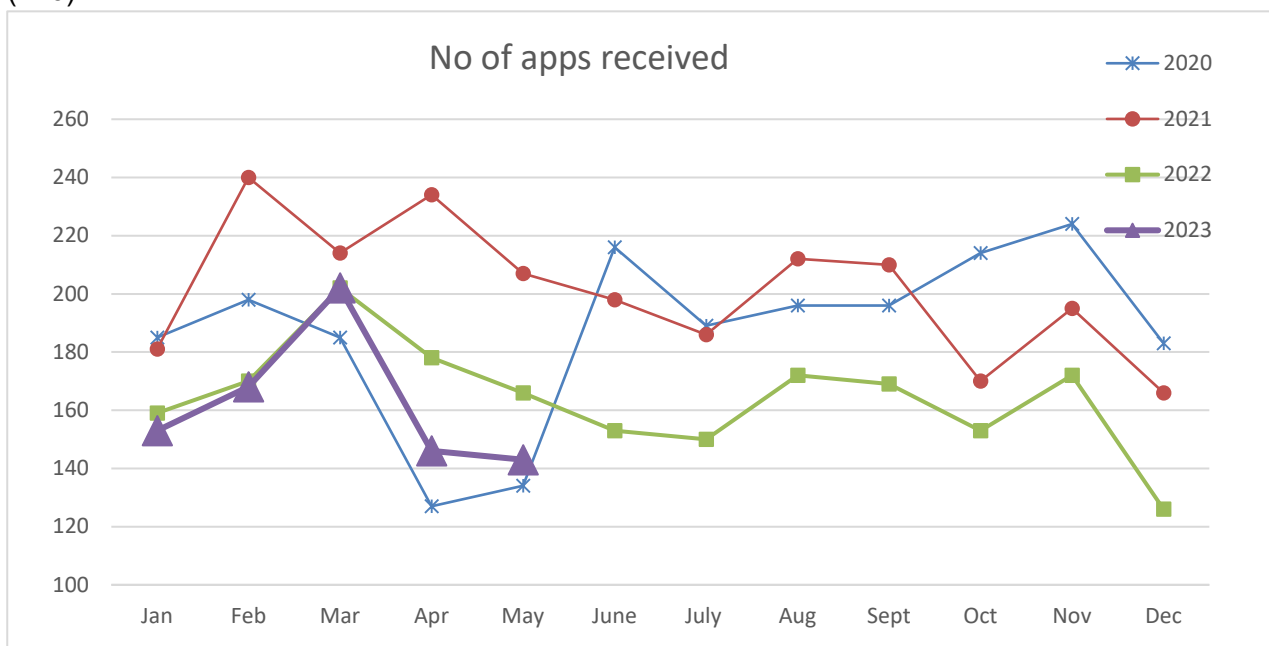
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validations	132	2	26	36	13	25	30

Open Cases by Team (as at 19/06/2023)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Team 1 (3 FTE)	106	9	18	31	18	30	0
Team 2 (3 FTE)	125	9	33	30	15	38	0
Team 3 (3 FTE)	142	8	37	24	27	46	0
Team 4 (0.8 FTE)	57	5	3	1	7	41	0
No Team (4.4 FTE)	116	19	29	7	21	9	31

(No Team includes – Trees Officer, Conservation Officer and 3 x Agency Workers.)

The Planning department received a total of 143 applications during May which is 13% decrease of number received during May 2022 (166) and 2% decrease to the number received during April 2023 (146).



Valid Appeals received – 2

Planning reference	Site Address	Decision Level
22/00341/FUM	Land At E550177 N277983 Pools Road Wilburton	Delegated
22/00736/FUL	Riverside Park 21 New River Bank Littleport Ely	Delegated

Appeals decided – 3

Planning reference	Site address	Decision Level	Appeal Outcome
21/00772/CLE	Twentypence Marina Twentypence Road Wilburton	Delegated	Allowed
22/00087/FUL	Land South Of 7 Northfield Road Soham	Delegated	Dismissed
22/00973/FUL	10 Hill Farm View Newmarket	Delegated	Allowed

Upcoming Hearing dates – 3

Planning reference	Site address	Decision Level	Appeal Date
22/00736/FUL	Riverside Park 21 New River Bank Littleport	Delegated	18/07/2023
22/00180/OUM	Land At Cambridge Road Stretham	Delegated	25/07/2023
22/00341/FUM	Land at E550177 N277983 Pools Road Wilburton	Delegated	22/08/2023

Enforcement

New Complaints registered – 12 (0 Proactive)

Cases closed – 17 (1 Proactive)

Open cases/officer (2.6FTE) – 188 cases (24 Proactive)/2.6 = 72 per FTE

Notices served – 0

Comparison of Enforcement complaints received during May

Code	Description	2022	2023
ADVERT	Reports of unauthorised adverts	1	1
COND	Reports of breaches of planning conditions	4	3
CONSRV	Reports of unauthorised works in a Conservation Area	0	0
DEM	Reports of unauthorised demolition in a Conservation Area	0	0
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
LEGOR	Reports of breaches of Legal Obligation (NEW CODE)	0	1
LISTED	Reports of unauthorised works to a Listed Building	3	0
MON	Compliance Monitoring	1	0
OP	Reports of operational development, such as building or engineering works	3	5
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	1	0
PLAN	Reports that a development is not being built in accordance with approved plans	3	0
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	3	0
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	0
USE	Reports of the change of use of land or buildings	0	2
TOTAL		19	12

Planning Performance – June 2023

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

Determinations

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Determinations	155	1	28	40	11	50	25
Determined on time (%)		100% (90% within 13 weeks)	100% (80% within 8 weeks)	98% (90% within 8 weeks)	91% (90% within 8 weeks)	76% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	139	1	23	36	4	50	25
Refused	16	0	5	4	7	0	0

Validations – 95% validated within 5 working days (ECDC target is 75%)

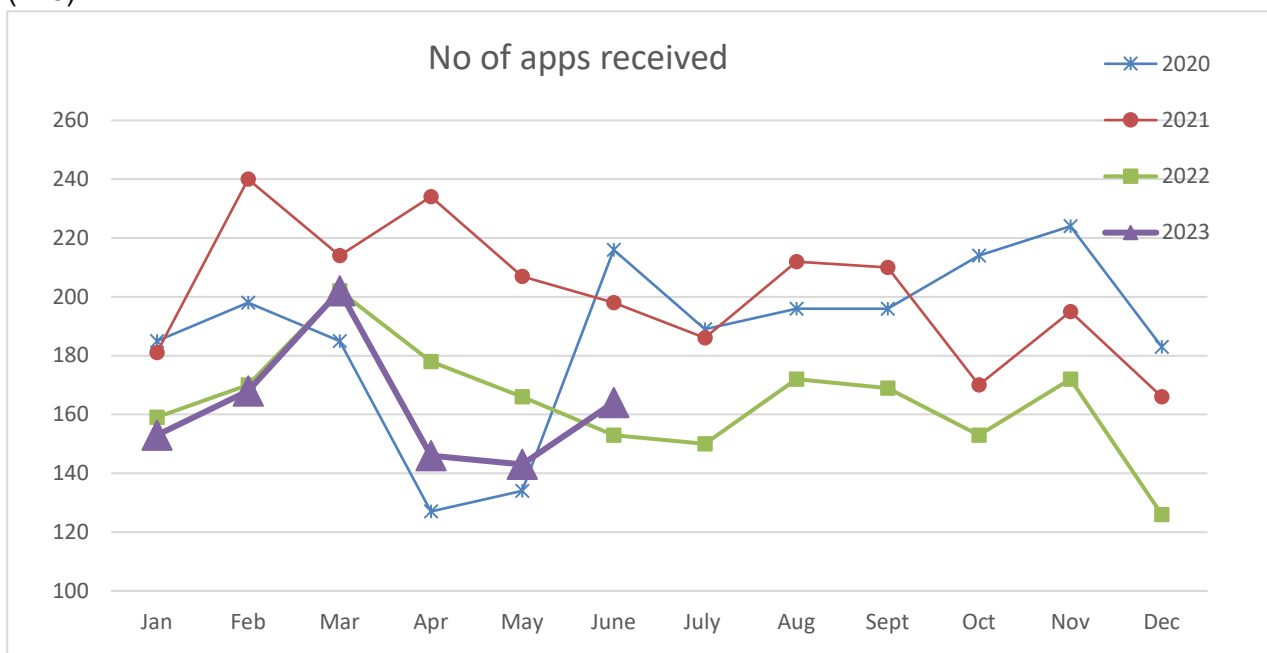
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validations	131	2	19	25	14	33	38

Open Cases by Team (as at 18/07/2023)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Team 1 (3 FTE)	90	7	15	23	18	27	0
Team 2 (3 FTE)	124	9	32	27	20	36	0
Team 3 (3 FTE)	131	8	34	21	26	42	0
Team 4 (0.8 FTE)	54	5	3	1	6	39	0
No Team (4.4 FTE)	123	19	26	5	17	14	42

(No Team includes – Trees Officer, Conservation Officer and 3 x Agency Workers.)

The Planning department received a total of 164 applications during June which is 7% increase of number received during June 2022 (153) and 15% increase to the number received during May 2023 (143).



Valid Appeals received – 0

Appeals decided – 4

Planning reference	Site address	Decision Level	Appeal Outcome
21/00418/FUL	Land To The West Of 75-91 The Causeway Burwell	Committee	Allowed
21/01777/OUT	Dairy Cottage Ness Road Burwell	Delegated	Dismissed
22/00228/CLE	30 Swaffham Road Reach	Delegated	Allowed
22/00531/FUL	Frolic Farm Lode Fen Lode	Delegated	Dismissed

Upcoming Hearing dates – 3

Planning reference	Site address	Decision Level	Appeal Date
22/00180/OUM	Land At Cambridge Road Stretham	Delegated	25/07/2023
22/00341/FUM	Land at E550177 N277983 Pools Road Wilburton	Delegated	22/08/2023
23/00205/OUM (INQUIRY)	Land Rear Of 163 To 187 High Street Bottisham	Non-determination	17/10/2023

Enforcement

New Complaints registered – 16 (1 Proactive)

Cases closed – 14 (2 Proactive)

Open cases/officer (2.6FTE) – 174 cases (21 Proactive)/2.6 = 70 per FTE

Notices served – 0

Comparison of Enforcement complaints received during May

Code	Description	2022	2023
ADVERT	Reports of unauthorised adverts	0	0
COND	Reports of breaches of planning conditions	5	3
CONSRV	Reports of unauthorised works in a Conservation Area	0	0
DEM	Reports of unauthorised demolition in a Conservation Area	0	0
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	1
LEGOR	Reports of breaches of Legal Obligation (NEW CODE)	0	1
LISTED	Reports of unauthorised works to a Listed Building	0	0
MON	Compliance Monitoring	1	0
OP	Reports of operational development, such as building or engineering works	1	5
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	1	0
PLAN	Reports that a development is not being built in accordance with approved plans	1	2
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	1	1
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	0
USE	Reports of the change of use of land or buildings	2	3
TOTAL		12	16