



East Cambridgeshire District Council

Meeting: Planning Committee

Time: 2:00pm

Date: Wednesday 6 September 2023

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

Enquiries regarding this agenda: Caroline Evans

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Committee membership

Quorum: 5 members

Conservative members

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

Conservative substitutes

Cllr Keith Horgan
Cllr Julia Huffer
Cllr Alan Sharp

Liberal Democrat members

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

Liberal Democrat substitutes

Cllr Christine Colbert
Cllr Lorna Dupré
Cllr Mary Wade

Lead Officer: Simon Ellis, Planning Manager

9:25am: Planning Committee members meet at The Grange reception for site visits.

AGENDA

- 1. Apologies and substitutions** [oral]
- 2. Declarations of interests** [oral]

To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.

3. Minutes

To confirm as a correct record the minutes of the meeting of the Planning Committee held on 2 August 2023.

4. Chairman's announcements

[oral]

5. 21/01048/HYBM

Hybrid planning application consisting of full planning permission for the demolition of 81 Brook Street and the provision of a new site and replacement bungalow along with outline planning permission (all matters reserved except for access) for the construction of up to 80 new homes (including affordable housing), public open space and associated infrastructure

Location: Land to rear of 81-111 Brook Street, Soham

Applicant: Pigeon Capital Management 3 LTD and Andrew John Mackenzie, Kim Elisabeth Mackenzie, Bridget Lesley Audus, Jeanette Susan Audus and Patricia Carol Audus

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QXKJ9IGG0CT00>

6. 21/01600/FUL

4 x single storey affordable homes

Location: Site west of 7-10 Skylarks, Witchford

Applicant: James Fauset

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R205UBGGHLT00>

7. 23/00205/OUM

Development of a retirement care village in class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (comprising up to 30 percent on-site provision), public open space, play provision, landscaping, car parking, access and associated development

Location: Land rear of 163-187 High Street, Bottisham

Applicant: Axis Land Partnerships Ltd/Bottisham Farming Ltd

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RQ67URGGIRY00>

8. 23/00656/FUL

Change of use of paddock land to residential garden and siting of domestic garden structures - retrospective

Location: 4 Church Farm Close, Wentworth, CB6 3QL

Applicant: D & W Scott

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVZEXDGGLBR00>

9. Planning performance report – July 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) (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.

The livestream of this meeting will be available on [the committee meeting’s webpage](https://www.eastcambs.gov.uk/meetings/planning-committee-060923) (https://www.eastcambs.gov.uk/meetings/planning-committee-060923). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has a scheme to allow [public speaking at Planning Committee](https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee) (https://www.eastcambs.gov.uk/committees/public-speaking-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 5th September**. 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
3. 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.
4. Fire instructions for meetings:
 - if the fire alarm sounds, please make your way out of the building by the nearest available exit, which is usually the back staircase or the fire escape in the Chamber and 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
5. Reports are attached for each agenda item unless marked “oral”.
6. If required, all items on the agenda can be provided in different formats (such as 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
7. 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 2 August 2023

Present:

Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr Martin Goodearl
Cllr Keith Horgan (substitute for Cllr David Brown)
Cllr Julia Huffer (substitute for Cllr Lavinia Edwards)
Cllr Bill Hunt
Cllr James Lay
Cllr John Trapp
Cllr Mary Wade (substitute for Cllr Kathrin Holtzmann)
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
Lisa Moden – Planning Officer
Dan Smith – Planning Team Leader
Angela Tyrrell – Senior Legal Assistant
Hannah Walker – Trainee Democratic Services Officer

In attendance:

Cllr Lucius Vellacott (Ward Member, Agenda Items 8 & 9, Minutes 18 & 19)

Parish Cllr Liz Houghton (Chair of Wicken Parish Council, Agenda Item 8, Minute 18)
Georgina McCrae (Applicant, Agenda Item 5, Minute 15)
Hannah Short (Applicant, Agenda Item 6, Minute 16)
Antony Smith (Applicant's Agent, Agenda Item 9, Minute 19)
Rebecca Smith (Applicant, Agenda Item 5, Minute 15)
Alan White (Applicant, Agenda Item 7, Minute 17)
7 other members of the public

Bobbie Athinodorou – Development Services Support Officer
Isabel Edgar – Director Operations
Annalise Lister – Communications Manager

11. Apologies and substitutions

Apologies for absence were received from Cllrs Brown, Edwards and Holtzmann.

Cllrs Horgan, Huffer and Wade were attending as their respective substitutes.

12. Declarations of interest

No declarations of interest were made.

13. Minutes

The Committee received the Minutes of the meeting held on 21st June 2023.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 21st June 2023 be confirmed as a correct record and be signed by the Chairman.

14. Chairman's announcements

There were no Chairman's announcements.

15. 22/00420/RMM – Phase 1, Millstone Park, Land adjacent to Melton Farm, Newmarket Road, Burwell

Dan Smith, Planning Team Leader, presented a report (Y26, previously circulated) recommending the granting of delegated powers for the Planning Manager to approve a reserved matters application regarding the layout, scale, appearance and landscaping for phase 1 of the outline permission granted in 2019 for application 15/01175/OUM and varied under 15/01175/NMAA and 15/01175/NMAB. The wider site had outline permission for up to 350 dwellings; the phase 1 application requested permission for 143 dwellings.

Members were shown plans and aerial images illustrating the site's location on previously arable land on the edge of Burwell, bordering Newmarket Road, and with the wider development site to the north and east. A site layout plan showed an open area and play space to the west and spine road to the east of the proposed housing. Elevations and CGIs of street scenes were also shown together with photographs of the site.

The main considerations for the application were deemed to be:

- **Principle of development** – the wider site had been allocated for residential development under policy BUR1 of the Local Plan 2015 and had been granted outline permission for up to 350 dwellings to be built in three phases. The site access had also been determined with the outline permission in 2018. Residential development of the site was therefore acceptable in principle.

- **Housing numbers and mix** – the proposed number of dwellings in phase 1 had been reduced from 150 to 143 during the course of the application but concerns remained regarding the balance of housing numbers across the three phases. However, the density was broadly in accordance with the outline development framework plan. Officers considered that it would be challenging, but not impossible, to deliver an acceptable scheme both within phase 1 and across the wider site. The proposed housing mix was skewed towards larger properties with just over half being at least 4-bed dwellings. The Strategic Housing Market Assessment (SHMA) indicated that the main need was for 3-bed properties, followed by 2- and 4-bed homes, but there was flexibility within these targets. The applicant had argued that larger dwellings were justified due to Burwell being a sought-after location for families and there being an increase in home-working and multi-generational living that required more space as well as for design reasons in respect of the layout. On balance it was considered that the housing mix would contribute to current housing needs within the locality.
- **Affordable housing provision** – 42 affordable homes were proposed in accordance with the s106 requirement on the outline permission to provide 25% affordable dwellings within the first 100 and 40% thereafter. There would be a 70:30 tenure split between affordable rent and shared ownership, and the Housing Team were content with the mix of dwelling sizes. One 3-bed housing type did not accord with the maximum occupancy requirements. The affordable housing provision was considered to comply with policy HOU3 of the Local Plan 2015.
- **Design (including highway safety and parking)** – there had been multiple iterations of the site design during the course of the application as the applicants addressed various concerns with the layout. The Local Highway Authority was now content with the street layout in terms of general access, safety and provision for waste collection and emergency services access. All maisonettes would have one allocated parking space and all other dwellings would have at least two. There would be one visitor parking space per eight dwellings which was lower than the recommended level in policy COM8 and could therefore result in additional on-street parking although it was thought unlikely that there would be any overspill parking outside the phase 1 land. The majority of buildings would be two-storey along with two bungalows and some two and a half storey buildings to create focal points or provide enclosure of larger streets and open spaces. Dwellings along Newmarket Road would now incorporate design features from existing buildings, and the proposed materials would reflect the character of Burwell. In terms of design, the application was therefore considered to comply with policies COM7, COM8, ENV1 and ENV2 of the Local Plan 2015.
- **Residential amenity** – all dwellings would be placed with sufficient distance from existing neighbours and with appropriate back-to-back distances. The construction impacts on neighbours had been addressed with conditions at the outline stage. Garden sizes were in accordance with the Design Guide requirements, except for the

maisonettes, and there was provision of open space both within the scheme and on the wider site.

- **Historic environment** – there would be a neutral impact on the nearest listed buildings and the archaeological implications had been addressed at the outline stage. The required investigations had now been completed and a condition requested regarding an interpretation board.
- **Ecology and biodiversity** – the ecological impact had been addressed at the outline stage and a scheme of specific biodiversity enhancements for phase 1 would be secured by condition.
- **Flood risk and drainage** – the outline permission required that a surface water drainage condition be discharged prior to the approval of any reserved matters applications. The Lead Local Flood Authority had indicated that they were content but formal notification had not yet been received, hence the recommendation that delegated powers be given to the Planning Manager to approve the application once that notification was in place.
- **Energy and sustainability** – the submitted Energy and Sustainability Strategy (ESS) identified a fabric-first approach and the provision of solar PV panels and air-source heat pumps. The new Building Regulations would also ensure that the development met or exceeded policy requirements.

In summary, the reserved matters application was considered to accord with the outline permission and was generally acceptable in terms of planning policies. Improvements had been made during the application process, but weaknesses remained. Specifically, the higher number of dwellings impacted achievable design quality for phase 1 and would present a challenge in delivering phase 3. The market mix was also skewed towards larger dwellings. However, on balance, the scheme was of an acceptable design and broadly complied with the Local Plan 2015, it was therefore recommended that the Planning Manager be given delegated powers for its approval.

On the invitation of the Chairman, Rebecca Smith and Georgina McCrae addressed the committee on behalf of the applicant. Ms Smith thanked the Case Officer and Place Services for working with them on phase 1 to enhance the design. The application accorded with the design framework and was supported by statutory consultees and the Parish Council. A wide range of house types were proposed for the site in terms of size and design and, at 32 dwellings per hectare, the density was both reasonable in the context of the site and would represent an efficient use of available land. The house styles were traditional and both materials and detailing were inspired by historic elements within Burwell. 42 affordable homes had been included in accordance with the outline permission. The landscape architects had designed a high-quality scheme with trees and hedging to give an attractive public realm and a positive contribution to the wider Millstone Park. Elements such as hedgehog-friendly fencing, bat and bird boxes integral to the houses, and log piles for reptiles would also be incorporated. The development would result in £1.5m of CIL and S106 payments for the Council. The applicant had

also worked with the Local Highway Authority to ensure that the main and shared-surface streets would be adoptable. Ms McCrae reiterated the thanks to Planning Officers and Place Services and emphasised that the applicant had worked with officers since the initial pre-app discussions in November 2021. She encouraged the committee to approve the application in order that building works could commence quickly and first occupancies would be in place for spring 2024 to complement the applicant's other sites within the district and county.

Responding to several questions from Cllr Trapp regarding the parking provision, Ms Smith explained that parking had been a key design consideration in the work with the urban design consultants who had been keen to avoid dominant parking in front of homes. Therefore, the majority was tandem parking next to houses although some allocated spaces for the affordable maisonettes and the mid-terrace properties would not be adjacent to the dwellings. In accordance with Part 5 of the new Buildings Regulations, each plot would have provision for an EV charging point. She also informed him that the applicant was in discussion with several registered providers for the affordable housing. Cllr Wade recognised the merits of not having cars dominating the street scene but questioned the low level of visitor parking, particularly with limited public transport. Ms Smith stated that the larger properties had good sized driveways and larger parking areas had also been planned along Newmarket Road, but conceded that within the site the parking was more likely to be along the road. However, visitor parking spaces would not be adopted by the Local Highway Authority which made them challenging to provide in terms of their ongoing ownership and management. She added that the bus stops along Newmarket Road were being upgraded as part of the wider site's planning permission.

Cllr Akinwale raised the issue of play equipment that was designed to be accessible for all, including those with disabilities, and Ms Smith explained that the play area to the north had been part of the infrastructure reserved matters approval. She also committed to checking what inclusive equipment was used on other sites. Responding to Cllr Ambrose Smith's queries about the provision of wet rooms and other disability-friendly designs, she stated that some of the market dwellings and all of the affordable housing, apart from the first-floor maisonettes, met the nationally described space standards and would therefore be adaptable. Ms McCrae added that registered providers often requested elements such as wet rooms as part of the specification for their dwellings and it was more commonly provided in the affordable homes and bungalows rather than in larger dwellings.

Cllrs Lay and Trapp asked various questions regarding the heating systems in the new homes. Ms Smith explained that some properties would have air-source heat pumps and some would use energy-efficient gas central heating. Solar photovoltaic panels would also be installed. They had been working with the infrastructure provider regarding grid capacity and there were other significant challenges regarding site-wide air-source heat pump provision due to the need to adapt house designs (for example, to include a plant room) and educating customers about how to efficiently use them. Ms McCrae added

that the wider group were also looking at revising house designs, for example by using underfloor heating rather than radiators, to facilitate future conversion from gas heating to air-source heat pumps.

When asked by Cllr Hunt about the parking and the proposed number of dwellings, Ms McCrae reminded Members that the applicant had worked hard since late 2021 and the proposal already contained 7 fewer properties than had been the basis of the land purchase. She considered that the design considerations made the proposal attractive.

The Senior Democratic Services Officer then read aloud statements from the Burwell Ward Members, Cllrs Brown and Edwards, both explaining that they could not support this application or the application to be considered by the committee immediately after this one. Cllr Edwards' statement stressed that outline permission had been granted for 350 dwellings on the whole site and the two applications before the committee represented 281 dwellings on two thirds of the site. She considered that this would be overdevelopment of the site and not in accordance with the views expressed by Burwell residents during various meetings and consultations.

Cllr Brown's detailed statement provided background to the original process by which the wider site was allocated for development in the Burwell Masterplan and emphasised that neither himself nor the majority of Burwell residents were opposed to development of the site. However, he considered that the outline permission for 350 dwellings assumed a spread across the whole site. Although the applicants had worked with officers to develop both schemes under consideration, they had only reduced their original proposals for a total of 300 dwellings to 281 rather than the 250-260 requested by officers. He urged the committee to consider whether the applications reflected the long-term vision for Burwell that had been agreed in 2013; he did not believe that they did. He was not in agreement with the applicant's justification for the housing mix being skewed towards larger dwellings rather than being in accordance with the latest Strategic Housing Market assessment, stating that there was a lack of smaller properties for local people wanting to enter the housing market or down-size without leaving the village. He also noted his concerns about insufficient visitor parking provision and that certain house types in both applications did not meet the size requirements for maximum occupancy, which he did not consider should be knowingly approved when a reduction in the total number of dwellings would enable size requirements to be met. He also acknowledged that the site access was not material to the consideration of the reserved matters applications, but restated his previously-recorded view that a roundabout should have been provided at the site entrance.

The Chairman then invited further comments from the Planning Team Leader who stated that, should delegated powers for approval be given, he would recommend an additional condition regarding the timing of returning the on-site marketing suite to its long-term intended purpose.

Cllr Lay expressed concern about the site access and the impact on Newmarket Road of the whole development and the development in Exning.

The Planning Team Leader explained that the site access and the impact of the scheme were considered and agreed at the outline stage and could not therefore be revisited at the reserved matters application. The cost of a wider cycleway link between Burwell and Exning had been shared between the two new development sites and would result in improvements to the route.

Responding to a question from Cllr Trapp, the Planning Team Leader highlighted on the site plan where the affordable housing would be located. The majority would be within the central part of the site, partly as a design consideration since they were mostly smaller units and the larger properties were located at the edges of the site. Both the Planning and Housing teams were content with the locations. He also explained that although the wider site was 27.3 hectares, not all of it was allocated for housing; the developable area was approximately 12 hectares with the remainder for sports pitches and open space. Officers did have some concerns that the land allocated for housing in each of the three phases was roughly equal yet the majority of the agreed housing had been proposed for the first two phases which was a weakness of the wider scheme. Nonetheless, in isolation, phase 1 was considered to be acceptable in terms of its design and density. Since the land for phase 3 was not within the same ownership as the first two phases it was not possible for all three to be considered together.

Cllr Huffer requested further information about the house type that did not meet maximum occupancy requirements. The Planning Team Leader explained that an affordable 3-bed design was not considered to be suitable for 6 occupants. This concern had been raised by the Housing Team and the applicants had responded that the house type could be reviewed if the issue was raised in negotiations with registered providers.

Cllr Ambrose Smith questioned wheelie bin storage provision from an aesthetic perspective and was informed that driveway and garaging provision throughout the site was good so bin storage was unlikely to be an issue. Bin collection points were also included on the site plans and had been considered by the Waste Collection teams.

Cllr Trapp commented that 1- and 2-bed properties were important for enabling young people to live near their parents, and Cllr Wade asked for further explanation about the rationale for not abiding by the recommendations of the SHMA. The Planning Team Leader explained that contradictory anecdotal evidence came from the developer that they were seeing a desire for larger properties and from the Ward Members that local people wanted smaller properties. The SHMA was the evidence-based guide but there was flexibility within it. However, he considered that the application had stretched that flexibility to its limit.

Responding to Cllr Lay's request for assurance that the entire site would be restricted to a maximum of 350 properties, the Planning Team Leader explained that the outline permission for the full site would not allow future reserved matters applications to exceed 350 properties in total. However, a full application for more houses could be made for the phase 3 land but if so then it would be brought to the committee for consideration since the initial

resolution had been for the committee to consider all applications on this site. He reminded Members that the phase 3 land was in third-party ownership.

The Chairman then opened the debate. Cllr Goodearl stated that, overall, he was in favour of development on the application site but he was concerned about the number of dwellings and the housing type that did not meet maximum occupancy requirements. He therefore proposed that the application be deferred for the applicants to address the concerns. Cllr Huffer seconded the proposal and stressed her concern about 280 dwellings being concentrated on two thirds of the site. She requested that the applicants reduce the numbers within the current application and their other phase in order that there would be an equal distribution across the three phases. She considered that the phase as presented was not in accordance with the wishes expressed in the consultations, and there were also insufficient 1 bed and 2 bed properties. Cllr Wade agreed with the comments and added that excellent applications should be approved rather than those that were only considered, on balance, to be acceptable.

Cllrs Trapp and Lay further supported the desire to spread the housing evenly across the three phases, with Cllr Trapp adding that the density appeared significantly higher than the existing housing along Newmarket Road and was therefore unsuitable for the edge of a village. He also considered that the housing mix was wrong and should include more 1-bed and 2-bed properties. Cllr Wilson asked that all three phases be considered together but was reminded that the land for phase 3 was not owned by the applicant.

Cllr Whelan agreed that the site, as proposed, was overdeveloped and also expressed concern about the level of parking provision. Although active travel was to be encouraged, the lack of public transport was likely to mean a substantial number of cars. The likelihood was that there would be parking on the sides of the roads or on pavements. Occupants of larger properties often had more than two cars and many residents were also likely to choose to park outside their homes rather than in allocated parking some distance away.

3:30-3:40pm the meeting was briefly adjourned for the Chairman, proposer and seconder to consult with Officers.

The Chairman invited the representatives of the applicant to address the committee for a second time in response to some of the points that had been raised during the questions and debate. Ms McCrae explained that they would have preferred to plan phase 1 with an understanding of the plans for phase 3 but information from the landowner had not been forthcoming. Nonetheless, phase 3 would be the edge of the settlement and therefore expected to be less dense, it also included the self-build plots and the sports pitches, both of which would also reduce its overall density. 32 dwellings per hectare, as proposed for phase 1, was in line with other sites in similar locations in the district. She commented that the visitor parking provision could be revisited, as could the housing type whose occupancy had been of concern. Finally, the concerns of the Ward Members had not been raised during the application process and she therefore requested additional time to address them.

Cllr Goodearl reiterated his earlier concerns about the proposed development, specifically the overdevelopment, poor housing mix, and a poor quality layout with only one entrance. He had been advised that refusal would be more appropriate than deferral since the application as presented needed to be determined. Cllr Huffer agreed with the concerns but suggested that the applicant's speech had indicated a willingness to reconsider some elements.

In order to clarify some points that had been raised, the Planning Team Leader reminded Members that the single road access to the site and the three housing land parcels had been agreed as part of the outline permission and therefore could not be changed at this stage. Additionally, the design for phase 3 could not be required as part of the decision-making for the current application and subsequent agenda item.

Ms McCrae confirmed to the Chairman that the applicant would appreciate the opportunity to reconsider the plans with Officers and Place Services in order to make amendments addressing the concerns that had been raised during the meeting.

It was resolved unanimously:

That planning application ref 22/00420/RMM be DEFERRED for the applicant to work with Officers to make amendments addressing the issues of overdevelopment, lack of sufficient 1-bed and 2-bed houses and lack of sufficient green space within the proposed development.

16. 22/00479/RMM – Phase 2a, Millstone Park, Land adjacent to Melton Farm, Newmarket Road, Burwell

Dan Smith, Planning Team Leader, presented a report (Y27, previously circulated) recommending the granting of delegated powers for the Planning Manager to approve a reserved matters application regarding the layout, scale, appearance and landscaping for Phase 2a of the outline permission granted in 2019 for application 15/01175/OUM and varied under 15/01175/NMAA and 15/01175/NMAB.

Members were shown plans and aerial images illustrating the site's location on previously arable land on the edge of Burwell, north of phase 1, and with the wider development site to the south and east. Felsham Chase was to the west and the site was near to Ness Road. A site layout plan showed an area of open space in the south east corner. Elevations and CGIs of street scenes were provided together with photographs of the site. Some considerations were similar to those presented for phase 1, but would nonetheless be explained in the context of the phase 2a application.

The main considerations for the application were deemed to be:

- **Principle of development** – the wider site had been allocated for residential development under policy BUR1 of the Local Plan 2015 and had been granted outline permission for up to 350 dwellings to be built in three phases. The site access had also been determined with the

outline permission in 2018. Residential development of the site was therefore acceptable in principle.

- **Housing numbers and mix** – the proposed number of dwellings in phase 2a had been reduced from 150 to 138 during the course of the application but concerns remained regarding the balance of housing numbers across the three phases. However, the density was broadly in accordance with the outline development framework plan. Officers considered that it would be challenging, but not impossible, to deliver an acceptable scheme both within phase 2a and across the wider site. The proposed housing mix was skewed towards larger properties with 59% being at least 4-bed dwellings. The Strategic Housing Market Assessment (SHMA) indicated that the main need was for 3-bed properties, followed by 2- and 4-bed homes, but there was flexibility within these targets. The applicant had argued that larger dwellings were justified due to Burwell being a sought-after location for families and there being an increase in home-working and multi-generational living that required more space as well as for design reasons in respect of the layout. On balance it was considered that the housing mix would contribute to current housing needs within the locality.
- **Affordable housing provision** – 55 affordable homes were proposed in accordance with the s106 requirement on the outline permission to 40% affordable dwellings. There would be a 70:30 tenure split between affordable rent and shared ownership, and the Housing Team were content with the mix of dwelling sizes. One house type did not accord with the maximum occupancy requirements. The affordable housing provision was considered to comply with policy HOU3 of the Local Plan 2015.
- **Design (including highway safety and parking)** – there had been multiple iterations of the site design during the course of the application as the applicants addressed various concerns with the layout. The Local Highway Authority was now content with the street layout in terms of highway safety, access and waste collection. All maisonettes would have one allocated parking space and all other dwellings would have at least two. There would be one visitor parking space per seven dwellings which was lower than the recommended level in policy COM8 and could therefore result in additional on-street parking although it was thought unlikely that there would be any overspill parking outside the phase 2a land. The majority of buildings would be two-storey along with four bungalows at the boundary with existing development and four two and a half storey buildings to enclose the central open space. Design features from existing buildings would be incorporated on the site and the proposed materials would reflect the character of Burwell. In terms of design, the application was therefore considered to comply with policies COM7, COM8, ENV1 and ENV2 of the Local Plan 2015.
- **Other matters** – as with phase 1, matters relating to residential amenity, historic environment, ecology and biodiversity, flood risk and drainage, and energy and sustainability were all considered to be acceptable subject to appropriate conditions where necessary.

In summary, the reserved matters application was considered to accord with the outline permission and was generally acceptable in terms of planning policies. Improvements had been made during the application process, but weaknesses remained. Specifically, the higher number of dwellings impacted achievable design quality for phase 2a and would present a challenge in delivering phase 3. The market mix was also skewed towards larger dwellings. However, on balance, the scheme was of an acceptable design and broadly complied with the Local Plan 2015, it was therefore recommended that the Planning Manager be given delegated powers for its approval.

On the invitation of the Chairman, Hannah Short addressed the committee on behalf of the applicant. She stressed the positive collaboration with Officers and Place Services in developing the proposal and stated that Place Services were now happy to support the plans from an urban design perspective. The application was in accordance with the outline permission and was mostly policy-compliant. The total number of parking spaces exceeded required standards, although the visitor parking provision was comparatively low. 83 of the properties would be market housing and 55 would be affordable housing. The statutory consultees and the Parish Council had not objected to the application. Four bungalows would be provided and would be appropriate for adaptation if needed. The site's density of 32 dwellings per hectare was comparable with Felsham Chase to the west. Historic design features from within the village would be incorporated into the design and the landscaping would complement the wider scheme. Green corridor pedestrian routes would be provided together with bird and bat boxes and hedgehog-friendly fencing. If approved, first occupancies would be expected in the late spring of 2024.

Cllr Wade questioned the comment about the scheme being "broadly in line" with parking requirements and Ms Short explained that all properties had at least the minimum required parking allocation, with many having higher allocations such as 4-bed properties with 4 parking spaces. Although the number of visitor spaces was low, the overall provision on the site was high. She also confirmed that the affordable homes had fewer parking spaces, but clarified that they were smaller properties and reiterated that all properties benefitted from at least the minimum requirement.

The Chairman reminded Members that the Ward Councillor statements that had been read aloud for the previous application applied equally to the current application. There was general agreement that they did not need to be repeated.

The Chairman then invited further comments from the Planning Team Leader who stated that, as with the previous item, if delegated powers for approval were granted then he would recommend an additional condition regarding the timing of returning the on-site marketing suite to its long-term intended purpose.

Cllr Trapp asked about the timing of delivery of the cycle route between Exning and Burwell, the standard to which it would be built, and whether the

cycleway would continue through the site to access Ness Road. He additionally asked about the adoption of site roads and the provisions for waste collection. The Planning Team Leader explained that provision of the Burwell to Exning cycleway had been secured at the outline stage and the s106 agreement included the trigger for when contributions had to be made by This Land (the owners of the wider development). The cycleway would then be delivered by Suffolk County Council to a specification that had been agreed between Suffolk and Cambridgeshire County Councils. The outline permission had also included a condition to provide a link to Ness Road in the top left corner of the development. Regarding adoption of the site roads, the majority would be of adoptable standard although shared driveway areas would not and the Waste Collection team were satisfied with the proposals.

Cllr Horgan queried information within the NHS comments on page 18 of the report and was informed that although the consultation responses were automatically included in full, elements such as contributions towards GP facilities needed to be secured with outline permission and were therefore not relevant to reserved matters.

Responding to a request from Cllr Huffer for the relative sizes of phases 1 and 2a, the Planning Team Leader stated that phase 1 occupied 4.8 hectares and phase 2a was slightly larger at 5.25 hectares.

Cllr Wade examined the housing mix within the market properties and the affordable housing and commented that the deviation from the SHMA was greater than it had been in phase 1. The Planning Team Leader agreed that the proportion of 4- and 5-bed market properties was higher than in phase 1 but for the affordable dwellings the key issue was whether it complied with the s106 agreement from the outline permission.

Cllr Lay expressed concern with the total number of dwellings proposed for phases 1 and 2a in comparison with the maximum number agreed for the wider site. He questioned how the density could be considered reasonable and how phase 3 would be addressed. The Planning Manager explained that Officers judged the proposed density by comparison with existing surrounding development and considered that phases 1 and 2a were acceptable in that regard. They did however recognise that across the wider site the density would be distorted. He also added that although the original application had been for 350 houses that did not mean that there could not be a future application for more. Cllr Goodearl disagreed that the site density appeared comparable to the adjoining existing development.

Responding to a question from Cllr Akinwale regarding local school provision for the proposed development, the Planning Team Leader explained that the site was allocated in the Local Plan 2015 and the local infrastructure had been considered at the outline stage. Additionally, the scheme did not exceed the numbers that had been agreed at outline. Cllr Wilson noted that some houses appeared to be a significant distance from green space and play areas. The Planning Team Leader showed on the site plan where the play area and open space would be and explained that there would be a trim trail on land to the north of phase 2a as part of an infrastructure reserved matters approval.

The Chairman then opened the debate. Cllr Lay reiterated concerns about the number of dwellings proposed for the first two phases. Cllr Trapp considered that phase 2a was overdeveloped but was less harmful to the village site because it did not have the Newmarket Road frontage. He also referenced Cllr Whelan's comments regarding the parking provision in phase 1 and highlighted that roads became blocked by on-street parking. The lack of parking adjacent to some homes was therefore a flaw in the parking design for phase 2a. Cllr Hunt also stated his agreement with Cllr Whelan's earlier comments.

Cllr Huffer stressed the importance of approving exemplary schemes that everyone could be proud of and would be pleasant places to live. She stated that, as with phase 1, the application represented overdevelopment of the site. She was also concerned about the level of open space within phase 2a, and without plans for phase 3 the level of green space in that phase could not be assumed. Cllr Ambrose Smith queried whether phase 2a could be implemented since phase 1 had now been deferred.

The Planning Team Leader reminded Members to consider the application as presented, and that the phases could be determined individually despite being part of a wider scheme. He also confirmed to Cllr Horgan that the affordable housing locations were acceptable to the Housing Team and, in general, the smaller units tended to be in higher density areas of the site.

Cllr Lay proposed that the application be deferred for the applicants to consider the concerns that had been raised regarding the housing mix, overdevelopment, parking, layout and green space. Cllr Wade seconded the proposal and commented on the challenges of on-street parking for those with prams or mobility issues. Cllr Ambrose Smith also expressed her support for the proposal.

The Chairman sought and received confirmation from the applicant that they would be willing to agree to a deferral.

It was resolved unanimously:

That planning application ref 22/00479/RMM be DEFERRED for the applicant to work with Officers to make amendments addressing the issues of overdevelopment, poor housing mix, parking, poor quality layout and lack of sufficient green space within the proposed development

17. 22/00545/FUL – Crow Hall Farm, site north of 20 Northfield Road, Soham

Holly Chapman, Senior Planning Officer, presented a report (Y28, previously circulated) recommending refusal of an application seeking permission for the erection of a single-storey dwelling, of a pre-fabricated off-site construction, outside the development envelope of Soham and within the hamlet of Broad Hill.

Members were shown aerial images and site photographs illustrating the site's rural location north of Soham. A site plan, floor plan and elevations were also provided for the proposed 4-bed bungalow.

The main considerations for the application were deemed to be:

- **Principle of development** – the principle of development in this location was contrary to policy GROWTH2 of the Local Plan 2015, which was considered to be up to date for the purposes of this application, and there were no material considerations to warrant departure from the Plan. Self-build and passive house arguments carried limited weight and the design of the development did not meet the “exceptional quality” or “high standards of architecture” in the NPPF to allow isolated homes in the countryside. There was no extant fall-back position and the previous consent had been granted by the committee, against officer recommendation, when the Council could not demonstrate a 5-year land supply. The previous consent had lapsed in March 2023
- **Residential amenity** – a previous Noise Impact Assessment submitted by the applicant had concluded that there would be a noise impact from the drying fans at Northfield Farm. In the previous consent this had been overcome through the fenestration arrangements but all of the bedroom windows faced the farm and drying fans in the current proposal. The applicant had addressed the concerns by proposing a dwelling with passive house principles that would remove the need to open windows for ventilation. A significant period of time had elapsed, during which the previous permission expired, while the applicant provided evidence of this. It was now accepted that the noise concerns would be successfully addressed if the dwelling was constructed in accordance with the agreed details.
- **Visual amenity and heritage** – the proposed dwelling was considered to be a sympathetic addition to the street scene and within the context of what had previously been approved for the site. However, it was not considered to be of exceptional design or quality, as would be required by paragraph 80 of the NPPF to justify approval of an isolated home in the countryside.
- **Other material matters** – the proposed development was considered to be acceptable in terms of highway safety, drainage and flooding, contamination and pollution, and biodiversity and ecology.

In summary, there was an in-principle objection to development at this location with no material considerations of sufficient weight to outweigh the harm that would arise from the policy conflict. The proposed development was therefore considered to represent unsustainable development and was recommended for refusal.

On the invitation of the Chairman, the applicant Alan White addressed the committee. He highlighted that although the site was outside the development envelope it was part of a sporadic cluster of other homes and buildings. The recent appeal decision for a site at Broad Piece had determined policy GROWTH2 to be out of date in that location and, although

the application site was further from the town centre, he considered that residents of the Broad Piece development would be most likely to also drive to the town's facilities. Approval of his application would enable him to live within walking distance of this workplace. The building was superior in every way to the previously-approved dwelling on the site and would be exemplary in terms of its energy efficiency since it would be built to passive-house standards. He referenced a 2017 court judgement in Kent concerning extant or recently-expired permissions being a material consideration, and highlighted that he was on the self-build register which was also a material consideration. He urged the committee to approve the application since there had previously been approval for an inferior dwelling on the site and there were material considerations that would justify approval despite the site's location outside the development envelope.

Responding to questions from Cllrs Ambrose Smith, Horgan and Wilson about the timeline for the current application and the expiry of the previous permission, the applicant explained that personal circumstances had prevented him from starting construction of the approved application before its expiry in March 2023. He had previously lived in the farmhouse to the west of the site but now lived in a caravan near the application site. There had been no pre-application discussions for the current application but he stressed that he understood the Building Control information that Planning had received within the last few weeks had actually been transferred in late 2022.

Cllrs Horgan and Trapp asked about the house design, particularly its passive house credentials. The applicant explained that certification as a passive house would be very expensive but the necessary standards were internationally known and the proposed dwelling would meet or exceed them. Although the external appearance of the house was similar to others nearby, the block style was important for managing the heating and it would be a technically excellent house. For longevity of use, the dwelling was all on one level and the door widths and turning areas within the bathrooms were all suitable for wheelchair use. The nature of the building design also meant that the construction time would be short. In response to queries from Cllr Huffer, he explained that he had not looked for other self-build sites since that would defeat the purpose of building a home at his workplace, and he would also not be able to afford to purchase a new site and construct the dwelling. He had not applied for rural dwelling status since that would create problems if he needed to sell the site in future, but he stressed that he had lived there his whole life.

The Senior Democratic Services Officer read aloud a statement from Cllr Goldsack, Ward Member for Soham North, expressing his support for the application. He considered that the passive house standards of the property should be applauded and that overall the proposal was pushing boundaries in terms of design and conformity in order to provide the best long-term property that technology could provide.

The Chairman invited further comments from the Senior Planning Officer and questions for her from Committee Members. Addressing several points that had been raised, the Senior Planning Officer explained that:

- the previous permission for a dwelling on the site had been granted when the Council could not demonstrate a 5-year land supply. Although the previous Planning history was a material consideration, it was also important to look at the policy context and, as the Council was now able to demonstrate a good land supply, that had changed since the previous permission was granted. Implementation of a prior consent was therefore imperative and applicants could not assume that a subsequent application for a site would be granted.
- the requirement for delivery of a passive house standard was due to the noise considerations; Officers had recommended physical changes such as a re-orientation of the building and alterations to the windows, but the applicant had chosen to address noise concerns by implementing a passive house design so that windows would not need to be opened for ventilation purposes.
- although the applicant was on the self-build register there had been no demonstration that other self-build sites would not be suitable.
- Any application for rural worker dwelling status would be due to convenience rather than need and would therefore be unlikely to pass the test.

Cllrs Lay and Horgan asked about the implications of the passive house design and whether certification would alter the Officers' views. The Senior Planning Officer and the Planning Manager explained that a passive house standard did not, of itself, warrant approval of an application; as an isolated house its design would need to be exceptional and the proposal did not meet that requirement. The NPPF, and relevant appeal decisions, set a very high bar for exceptional design although there was no specific guidance or definition of "exceptional" since it would be site-specific. Nonetheless, a very comprehensive exceptional scheme would be needed to meet the criteria.

The Senior Planning Officer confirmed to Cllr Wade that all planning permissions belonged to the site rather than to the individual, therefore the noise concerns had to be addressed irrespective of the applicant's personal degree of comfort with the noise levels. The noise concerns had been raised by the applicant's own noise impact assessment and attempts to find an acceptable solution had been the main reason for the time taken to determine the application. She also confirmed to Cllr Trapp that an applicant's personal circumstances could not be considered since the permission was for the land, not the applicant.

5:20pm Cllr Goodearl briefly left the Chamber.

Cllr Huffer asked for, and received, confirmation that if the applicant had started construction of the previously-approved application then the current situation would not have arisen.

5:22pm Cllr Goodearl returned to the Chamber.

Responding to the applicant's comment from the public gallery that drainage trenches had been dug, the Senior Planning Officer explained that the trenching was not within the application site and therefore the permission had technically not been implemented.

Cllr Trapp asked for details of the site's Planning history and Cllr Wilson questioned whether there was a procedure in place to highlight to applicants the imminent expiry of a planning permission. The Senior Planning Officer explained that outline permission had been granted for 3 years in April 2017 and had benefitted from an automatic extension due to the Covid-19 pandemic. A reserved matters application had been approved in March 2021, just before the outline permission expired, and applicants had 2 years in which to commence work. The reserved matters permission had expired in March 2023 and it was the responsibility of each applicant to be aware of the expiry dates which were clearly identified on each decision notice.

The Chairman then opened the debate. Cllr Huffer, whilst sympathetic to the applicant's circumstances, stressed the importance of consistent decision-making and proposed that the Officer's recommendation for refusal should be supported since the site lay outside the development envelope and was not exceptional so did not warrant approval against policy GROWTH2. Cllr Hunt seconded the proposal and added that the Council had worked hard to protect the development envelopes and control development within the District. Cllr Wilson considered it to be unfortunate that the applicant had not taken advantage of the previous permission, granted when the Council could not evidence a suitable land supply and subsequently extended due to the pandemic, but emphasised that the Planning Committee's duty was to look after the land and they therefore needed to follow the Council's Planning policies. The site was outside the development envelope and therefore the rules were clear that it could not be approved.

Cllr Ambrose Smith recognised that the site lay outside the development envelope but considered that there was a community within the vicinity of the site. Cllrs Trapp, Wade and Horgan explored the potential for the application to be considered as an exceptional design that would be suitable for approval. To assist the deliberations, the Planning Manager read aloud paragraph 80 of the NPPF July 2021 regarding exceptions for isolated homes in the countryside, in particular criterion 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." He explained to Cllr Wade that "architecture" in this context was mainly concerned with visual appearance rather than the sustainable elements, and Officers did consider the holistic design and were of the view that it did not meet the requirements that had been read aloud. Cllr Horgan emphasised that the NPPF allowed exceptional design in rural locations, but didn't specify what would constitute "exceptional" nor were visual elements specified. In his view, the passive house credentials and overall design met the definition of exceptional and he also questioned whether the site could be considered to be isolated since there were other

nearby properties. Cllr Trapp considered that the external appearance was standard but the internal design and environmental credentials were excellent and therefore, on balance, he favoured approval due to there having been a previous permission for the site which had expired during the course of the current application whilst waiting for information from Building Control.

Cllr Lay considered that a judgement call was required since there was no decisive evidence in favour of the applicant's position. Should the application be refused, as recommended by the Case Officer, the applicant could appeal against the decision if they chose to.

It was resolved with 6 votes in favour, 5 votes against and 0 abstentions:

That planning application ref 22/00545/FUL be REFUSED for the reason detailed in paragraph 1.1 of the Officer's report.

5:50-5:59pm the meeting was briefly adjourned for a comfort break.

18. 22/01229/FUL – site to the east of 38a Chapel Lane, Wicken

Holly Chapman, Senior Planning Officer, presented a report (Y29, previously circulated) recommending approval of an application seeking permission for the erection of two detached dwellings with car-ports and associated works including the provision of off-street parking, and hard and soft landscaping works along Chapel Lane in Wicken.

Members were shown aerial views of the site's location at the northern edge of Wicken and between two other small development sites, as well as photographs of the adjacent new development of eight dwellings. A site layout was provided together with CGIs of the proposed street scene. Various site photographs and views along Chapel Lane including the existing access point to the site were also presented.

The main considerations for the application were deemed to be:

- **Principle of development** – the proposal was contrary to policy GROWTH 2 of the Local Plan 2015 since it was technically located within the countryside. However, the change in the character of the area, as a result of consented development, resulted in a material consideration of significant enough weight to warrant a departure from the Local Plan 2015. Both neighbouring developments were permitted during a time when the Council could not demonstrate a 5-year land supply. Additionally, the modest scale of the development could be considered to enhance or maintain the vitality of a rural community. The proposed development was therefore considered acceptable in terms of principle of development in this particular instance.
- **Visual amenity and heritage** – the character of properties along Chapel Lane was mixed and the proposed dwellings sought to emulate the development of eight dwellings that had been approved to the east. The appearance, layout, scale and landscaping were considered to be acceptable within the context of the site.

- **Trees, landscaping, biodiversity and ecology** – the proposed development would result in the loss of six trees and one landscape feature (dense undergrowth). However, seven replacement trees, hedge planting to the road frontage, and biodiversity enhancement features would be implemented. A Preliminary Ecological Assessment (PEA) was submitted with the application, which concluded that the site was a small area of land with relatively low ecological value, and the development would not result in any significant disturbance of protected species.
- **Other matters** – in terms of residential amenity, highway safety, drainage and flooding, contamination and pollution, climate change, energy efficiency and sustainability the proposal complied with the policies of the Local Plan 2015 and the NPPF.

In summary, although the application site and proposal would not form one of the exceptions of GROWTH 2, the change in character of the area amounted to a material consideration of sufficient weight to justify a decision at variance with the Development Plan. Two dwellings within the location would not significantly alter the character of the area and the site was considered to be a sustainable location in respect to its proximity and access to Wicken and the services provided. It would also provide a modest contribution to support the vitality of the rural community. The application was therefore recommended for approval.

On the invitation of the Chairman, Parish Cllr Liz Houghton, Chairman of Wicken Parish Council, addressed the committee. She stressed the Parish Council's strong opposition to the application. The proposed development was not of exceptional design and was positioned outside the development envelope. It would represent overdevelopment of a small pocket of land and the Parish Council did not consider that approval of neighbouring developments (during a period when the 5-year land supply could not be demonstrated) warranted approval of this additional development. She emphasised the need to protect the unique character of the village, and respect the Local Plan 2015. The development was not in keeping with the design of the surrounding cottages or the bungalows under construction and comprised two relatively large buildings on a small site. There was no need for new 4-bed dwellings in the village. Felling six trees and a hedge was not consistent with biodiversity policy and there was no evidence that this would result in a net gain for biodiversity. In summary, the Parish Council considered that the proposal was not acceptable in terms of the principle of development, residential amenity, design, and biodiversity, and she urged Members to abide by the Local Plan 2015.

In response to Cllr Trapp's question regarding whether the Parish Council would be satisfied if the application was for smaller dwellings, the Chairman of Wicken Parish Council explained that there was demand in the village for smaller market homes but only two shared ownership and one market 2-bed dwellings had been built in recent years. Cllr Huffer questioned whether two small properties would justify the loss of the trees and hedgerow, but Parish

Cllr Houghton stated that it had not been discussed by the Parish Council and she was therefore unable to comment.

Cllr Wade received confirmation that Wicken Parish Council did not have a neighbourhood plan, it was the District's Local Plan 2015 policies to which they referred when reviewing planning applications. Cllr Ambrose Smith questioned the condition of the trees on the site, and it was clarified that neither the trees nor the wider site had been well maintained. Cllr Hunt queried the rural services in Wicken and Parish Cllr Houghton confirmed that there was one bus per week, no shops, and the Fen with its coffee shop. Most residents heavily relied on driving to Soham or using the byway to cycle there.

The Chairman invited Cllr Lucius Vellacott to address the committee as the Ward Councillor. Cllr Vellacott explained that he was attending in order to represent residents' views and he thanked the case officer for her time discussing the application with him. He had concerns that the development was outside the development envelope and there had already been a number of developments along Chapel Lane. The proposal was dissimilar to the adjacent eight dwellings and in any case was outside the development envelope. He asked Members to consider policies ENV 1 and ENV 2 of the Local Plan 2015, and the views of the Parish Council. This proposed development would be a deviation from the Local Plan with no material need for housing in that location and there was significant local concern.

There were no questions for Cllr Vellacott.

The Senior Planning Officer was invited to make any points of clarification. She referred to paragraph 7.12 of her report and explained that there was no evidence to suggest purposeful subdivision of the site in order to not trigger the requirements for affordable housing or housing mix in policies HOU 1 and HOU 3 for sites of 10 or more dwellings. It was therefore not possible to specify smaller dwellings except on visual grounds (or if required by a Neighbourhood Plan). She remarked that the loss of trees on the site had been covered in the report. Finally, she advised Members that she had made a local planning judgement specific to this small site which was now fully surrounded by development rather than countryside, her assessment was therefore based on the reality of the site's new environment.

The Chairman invited questions for the Senior Planning Officer. Cllr Trapp received clarification that the site area was 0.16 acres / 640 square metres. Responding to questions from Cllrs Trapp and Goodearl, she explained that although the adjacent site for eight dwellings was owned by the same developer, they were not within the same red line and had different access points. Based on this, and on case law, she had concluded that there was no evidence of purposeful subdivision to avoid triggering the requirements of developments with 10+ dwellings.

Cllr Wade asked for clarification on why the development was recommended for approval when it did not comply with policy GROWTH 2. The Senior Planning Officer explained that in this instance there were material

considerations that warranted departure from the Local Plan 2015. Specifically, there had been a change to the character of the area. Cllr Ambrose Smith received confirmation that the site was CIL liable, but there were exemptions so she could not confirm whether it was CIL payable or whether the Parish Council would benefit from it.

Cllr Hunt received acknowledgement that the lack of amenities, as described by the Parish Council Chairman, had been considered in the report and in reaching the recommendation for approval.

The Chairman opened the debate. Cllr Wilson emphasised that the proposed development was outside the development envelope, new 4-bed houses were not required in Wicken, and the design was not exceptional. He therefore proposed that the application be refused, contrary to the Officer's recommendation. Cllr Huffer seconded the proposal due to overdevelopment, stating that the loss of six trees and biodiversity on the site would be unacceptable and it was also important to be consistent with applications that that were positioned outside the development envelope.

Cllr Hunt understood Wicken's need for 2-bed housing, and the importance of providing homes for the local people of Wicken. From the site visit, he considered that the development would change the character of the area, and agreed with Cllr Huffer about the damage that would be caused by the loss of trees. He was also concerned about the site being outside the development envelope. Cllrs Goodearl, and Trapp added their agreement to the comments already made.

Cllr Ambrose Smith commented that with an increase in home working, 4-bed houses were often, in effect, 2-bed homes once work space was accounted for.

There being no further comments from Members, the Planning Manager assisted the proposer and seconder in drafting the wording of the refusal reasons in their motion.

It was resolved with 10 votes in favour, 0 votes against and 1 abstention:

That planning application ref 22/01229/FUL be REFUSED on the following grounds:

- i) that the site is outside the development envelope and is neither an allocated site nor an affordable housing exception site or other exception and therefore fails to comply with policy GROWTH2 of the Local Plan 2015, and that there were no other material considerations that would warrant a departure from the Local Plan;
- ii) that the development would cause the loss of and damage to existing and well-established landscape features which would be detrimental to the character and appearance of the area and

therefore in conflict with policies ENV1, ENV2 and ENV7 of the Local Plan 2015 and the Natural Environment SPD 2020.

19. 23/00483/FUL – 135 The Butts, Soham

Lisa Moden, Planning Officer, presented a report (Y30, previously circulated) recommending refusal of an application seeking part-retrospective permission for the erection of a domestic outbuilding along with associated works.

A location plan and aerial views were shown to Members depicting the site situated to the south of Soham, with Cherrytree Lane to the east of the site and The Butts to the north and west. The application was part-retrospective as the frame had already been built, as depicted in the site plans, elevations and photographs that were shown.

The main considerations for the application were deemed to be:

- **Impact on the character and appearance of the area** – the proposed development would be excessive in scale (ridge height of 4.8m, eaves height of 3.8m and floor area of 85 square metres) and should not compete with the host dwelling. The proposal lacked architectural design in order to create a high quality and beautiful building. The proposed external green box profiling sheeting was inappropriate for a domestic outbuilding. The proposal failed to visually protect or enhance the character and appearance of the surrounding area, and the openness of the countryside. The proposed development was therefore considered to be contrary to the objectives of policies ENV 1 and ENV 2 of the Local Plan 2015, the Design Guide SPD and the NPPF.
- **Impact on nearby occupiers** – given the location of the application site, the proposal would result in no over-looking or loss of privacy, would have no adverse impact in regards to over-shadowing or over-bearing, and was considered to comply with the relevant policies. It would therefore cause no significant harm to neighbours.
- **Other matters** – the application was considered to comply with the relevant policies relating to Highway safety, parking, and trees

The Planning Officer advised Members that in paragraph 7.2.4 of the report, the more recent application 22/00123/FUL should be referenced and a further comment had been received from a neighbour earlier in the day now in support of the application. Both of these updates had not impacted the recommendation for refusal.

In summary, the application was recommended for refusal due to the excessive scale of the outbuilding in relation to the host dwelling and surrounding buildings, the inappropriate materials for a building within a residential curtilage, the prominent location close to public rights of way, and its inharmonious prominence in the wider countryside.

The Chairman invited the applicant's agent, Antony Smith, to address the committee. The agent referred to the fact that the application had been called in by Cllr Bovington who considered that it would have minimal visual impact and should therefore be approved. He also remarked that the neighbours'

concerns had been resolved and they were now in support of the application. There had previously been a double garage between the two properties which had now been removed leaving better views of the willow tree and reducing the massed appearance of the street scene. By placing the structure in the far-left hand corner of the site, the proposal would not affect the street scene, willow tree, or neighbours. There was a cluster of outbuildings on the neighbouring property to the east and further along the road was an identical building to the proposal that was highly visible from the public highway. He considered that it would not be out of character and related to the rural setting. The outbuilding would be used to store the client's motor home for improved security. Upon being notified of the need for planning permission his client had followed the correct procedures to ensure that the building would be lawful. There were no objections from the Parish Council, neighbours, or Tree Officer and the applicant would be willing to supply a soft landscaping scheme by condition.

Responding to queries from Cllr Whelan and Horgan regarding the reasons behind the height and size of the outbuilding, the Agent confirmed that the frame needed to accommodate the height of the motor home and, as a prefabricated building, it was available in fixed sizes.

The applicant's agent confirmed to Cllr Hunt that the applicant had stopped work on the site when contacted by the enforcement team, but he was unclear how long the frame had been in place for.

Cllr Lucius Vellacott was invited by the Chairman to address the committee as the Ward Councillor. Cllr Vellacott thanked Officers for their time to discuss the application with him before the committee meeting. He asked the committee to approve the application, perhaps with conditions to mitigate the concerns and suggested that determination of the application would be down to the committee's interpretation of the structure's impact on the countryside. Cllr Vellacott then commented on the three reasons the Officer had provided for refusal. Regarding the scale of the structure, he felt it was large but not excessive, and in any case, it would be the host dwelling that would be most impacted. However, he suggested imposing a condition for improvement at the boundary with 135a to improve the visual impact and privacy. The second refusal reason was the inappropriate materials used. He suggested that, if the committee agreed, they could add a condition for the applicant to use an alternative, but thought the material proposed was safe and was a satisfactory colour. And lastly the third refusal reason, the prominent location, there were few neighbouring properties, and public access near the site was infrequent despite being a public byway. He asked the committee to mitigate the Officer's concerns rather than to refuse the application.

Responding to concerns from Cllrs Ambrose Smith, Hunt, and Trapp regarding the height of the outbuilding, Cllr Vellacott explained that the height was to store the client's motor home, and because the application was part-retrospective and the framework already existed, they could not readily lower the height of the outbuilding. He also stressed that the applicant's personal

circumstances and the reasons for the building size were not material considerations.

The Planning Officer provided additional clarification to the committee. She reiterated that there were no neighbour concerns regarding residential amenity and this was not proposed as a reason for refusal. Consideration had been given to the character and appearance of the area, as well as the street scene, surrounding area and the site's location on the fringe of Soham in an area very open to the countryside. The Design Guide SDP stated that wherever possible, an outbuilding should be constructed within Permitted Development Rights. Where a larger building was required, criteria such as design, size and location should be considered and it should not compete with the main dwelling. The proposed outbuilding was large, and would outweigh and compete with the host dwelling.

The Planning Officer confirmed to Cllr Ambrose Smith that the applicant had not provided the dimensions of the motor home, and did not state a reason for the outbuilding on the application.

Responding to Cllr Wade's query regarding what it meant to compete with the host dwelling, it was confirmed by the Planning Officer that this was a residential householder application and, once outside permitted development, every aspect of such a proposal needed to be assessed, including its relationship with the host dwelling. The design criteria stated that the visual appearance and character of an outbuilding should not be overbearing; in this case the host dwelling was a single storey bungalow and smaller than the outbuilding.

As a result of Cllr Trapp's concerns for the impact of the outbuilding, which he considered to look very out place in its setting, the applicant's agent (with the Chairman's permission) gave the committee photographs of a completed outbuilding further along the road, between two dwellings, to which the applicant had matched the size and materials.

7:06-7:08pm the meeting briefly adjourned, during which time Members viewed the photographs.

Cllr Wilson commented on how the outbuilding looked industrial and was much taller than the bungalow, and asked for clarification as to which elements were unacceptable to the Planning Officer. She explained that the mass and scale of the outbuilding were not in keeping with the host dwelling or what should be expected within a residential curtilage. The outbuilding in the agent's images had its own separate access and was outside the residential curtilage.

The Chairman then opened the debate. Cllr Huffer emphasised that the outbuilding looked agricultural, and its use was irrelevant in making a decision on the proposal. The outbuilding would be visible from the footpath and the countryside, and it was too large. She therefore proposed that the Officer's recommendation to refuse the application should be accepted. Cllr Goodearl seconded the proposal and agreed that the outbuilding was much too large

and would be out of character for the dwelling and the surrounding area. Cllr Trapp also criticised the size of the outbuilding.

Cllr Ambrose Smith questioned the concerns about the size and materials given the countryside location.

It was resolved with 7 votes in favour, 1 vote against and 3 abstentions:

That planning application ref 23/00483/FUL be REFUSED for the reason detailed in paragraph 1.1 of the Officer's report

20. Planning performance reports – May and June 2023

Simon Ellis, Planning Manager, presented two reports (Y31 and Y32, previously circulated) summarising the performance of the Planning Department in May and June 2023. He agreed to add to future reports figures regarding the number of approved applications that had lapsed.

It was resolved unanimously:

That the Planning Performance Reports for May and June 2023 be noted.

The meeting concluded at 7:20pm.

Chairman.....

Date.....

21/01048/HYBM

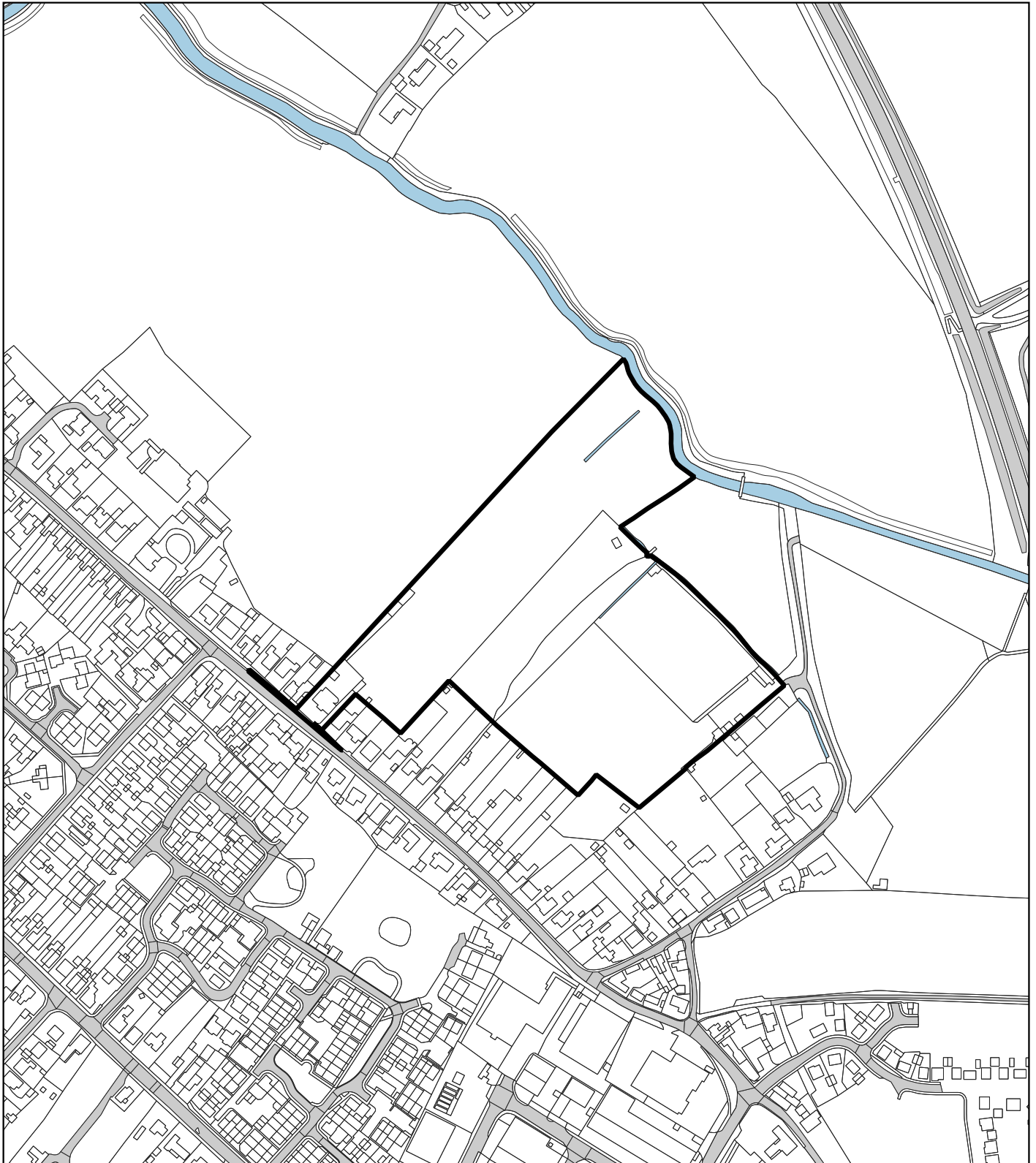
Land To Rear Of 81 – 111 Brook Street
Soham

Hybrid planning application consisting of full planning permission for the demolition of 81 Brook Street and the provision of a new site and replacement bungalow along with outline planning permission (all matters reserved except for access) for the construction of up to 80 new homes (including affordable housing), public open space and associated infrastructure

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=QXKJ9IGG0CT00>





21/01048/HYBM

Land To Rear Of 81 - 111
Brook Street
Soham



East Cambridgeshire
District Council

Date: 14/08/2023
Scale: 1:4,000



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TITLE: 21/01048/HYBM

Committee: Planning Committee

Date: 6th September 2023

Author: Planning Team Leader

Report No: Y35

Contact Officer: Catherine Looper, Planning Team Leader
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01353 616205
Room No 011 The Grange Ely

Site Address: Land To Rear Of 81 - 111 Brook Street Soham Cambridgeshire

Proposal: Hybrid planning application consisting of full planning permission for the demolition of 81 Brook Street and the provision of a new site and replacement bungalow along with outline planning permission (all matters reserved except for access) for the construction of up to 80 new homes (including affordable housing), public open space and associated infrastructure

Applicant: Pigeon Capital Management 3 LTD and Andrew John Mackenzie, Kim Elisabeth Mackenzie, Bridget Lesley Audus, Jeanette Susan Audus and Patricia Carol Audus

Parish: Soham

Ward: Soham South

Ward Councillor/s: Ian Bovingdon
Lucius Vellacott

Date Received: 2 August 2021

Expiry Date: 27 September 2023

1.0 RECOMMENDATION

1.1 Members are recommended to approve the application subject to the signing of the S106 Legal Agreement and conditions covering the following matters with authority delegated to the Planning Manager and Director Legal to complete the S106 and to issue the planning permission (with any minor revisions to the conditions delegated to the Planning Manager). The conditions can be read in full on the attached appendix 1.

- 1.2 That the applicant agrees any necessary extensions to the statutory determination period to enable the completion of the associated S106 Obligation before planning permission is granted. In the event that the applicant does not agree any necessary extensions to the statutory determination that the Planning Manager is given delegated powers to refuse planning permission on the basis of the absence of an agreed S106 Obligation.

Conditions:

- 1 Approved Plans

Conditions relating to full planning permission for the demolition of 81 brook street and provision of new site, replacement bungalow and access:

- 2 Time Limit
- 3 Surface Water Drainage
- 4 Construction Environmental Management Plan
- 5 Ground Piling
- 6 Archaeology – Written Scheme of Investigation
- 7 Contamination – Investigation
- 8 Contamination – Remediation
- 9 Contamination – Implementation
- 10 Unexpected Contamination
- 11 Highways – Management and Maintenance of Streets
- 12 Highways – Turning
- 13 Highways – Permitted Development Restriction
- 14 Highways – Adoptable Standards
- 15 Highways – Binder Course
- 16 Flood Risk Assessment
- 17 External Materials
- 18 Hard Landscaping
- 19 Soft Landscaping
- 20 Construction Times

Conditions relating to outline planning permission (all matters reserved except for access) for the construction of up to 80 new homes (including affordable housing), public open space and associated infrastructure:

- 21 Time Limit – Submission of Reserved Matters
- 22 Time Limit – Commencement
- 23 Surface Water Drainage
- 24 Construction Environmental Management Plan
- 25 Ground Piling
- 26 Archaeology – Written Scheme of Investigation
- 27 Archaeology - Maintenance and Management
- 28 Contamination – Investigation
- 29 Contamination – Remediation
- 30 Contamination – Implementation
- 31 Unexpected Contamination
- 32 Highways – Management and Maintenance of Streets
- 33 Highways – Turning
- 34 Highways – Permitted Development Restriction
- 35 Highways – Adoptable Standards
- 36 Highways – Binder Course

- 37 Highways – Widening Footway
- 38 Highways – Welcome Travel Packs
- 39 Ecology and Biodiversity Net Gain
- 40 Biodiversity Net Gain Management and Maintenance
- 41 Flood Risk Assessment
- 42 Flood Risk – Management and Maintenance
- 43 Construction Times
- 44 Energy and Sustainability Strategy
- 45 Foul Water Drainage
- 46 Rights of Way Access Scheme
- 47 Rights of Way
- 48 Hedgerow and Woodland Tree Management and Creation Scheme
- 49 Tree Protection
- 50 Arboricultural Method Statement
- 51 Maintenance for Hard and Soft Landscaping
- 52 Fire Hydrants

The S106 Legal Agreement will secure the following:

- Affordable Housing
- Open Space
- SUDS
- Wheeled Bins
- Soham Common Land Contribution
- Self-Build and Custom Housing Plots
- Education and Library Contributions
- Highway Improvement Contributions

2.0 SUMMARY OF APPLICATION

2.1 The application is a hybrid application seeking full planning permission for the demolition of 81 Brook Street and its replacement in a new position, as well as the creation of access into the wider site. The application also seeks outline planning permission for the construction of up to 80 new homes. This element of the application has all matters reserved apart from access. The application proposes 20% affordable housing.

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1 No relevant planning history.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises farmland and is part of a wider site allocated for residential development in the East Cambridgeshire Local Plan 2015 (SOH1). Brook Street runs from north-west to south-east of the site and Greenhills lies to the south-

east of the site. The rear garden boundaries of properties fronting Brook Street adjoin the application site boundary. The remaining boundaries of the application site are bordered by agricultural land, with Commons land to the north.

- 4.2 The application site itself is approximately 5.01ha (12.3 acres) in area. Public footpath No.82 runs through the application site and links Brook Street to the Commons land. The site is well connected to the center of Soham.

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 September 2021

Base modelling indicates the site will not flood because of marginal levels and the low level of the Lode. Concerns were raised regarding Environment Agency as they have disappointed us in the past.

Drainage had been discussed with Anglian Water. The Town Council raised concerns particularly with any change in hydrology as this will adversely affect the rear plants that the SSI was designed to protect.

Maintenance of green spaces and basin may ultimately fall on East Cambs. Concerns were raised and better assurances requested. It was suggested if the small green spaces by the properties company.

The traffic survey was far from accurate due to the Covid emergency and agrees that using the 2012 census figures as a base for traffic projections was far from ideal but was the best data currently available. Requested an updated traffic report.

SSI and NHS are among the usual Consultees used with a wide range of others by developers. The aforementioned have not been consulted.

'it was suggested that affordable houses are built with larger room sizes and more storage. All houses to have larger garages to accommodate the larger vehicles on the road like SUVs.

It was suggested that the species of trees to be planted should be named on the plans gaining 10% Biodiversity. Who ultimately is going to look after the trees? The first 25 years they need to be watered regularly or they will perish, there needs to be a management plan.

Electric vehicle charging points should also be indicated on the plans.

Parish - 30 March 2022

The Parish has concerns about the application.

STC is in principle not happy with this site being developed due to flood risk and loss of vista but are aware it is an allocated site in the 2015 Local Plan and therefore would be happy to work alongside the developers to achieve the best they can for residents.

Parish - 28 February 2023

Concerns raised regarding traffic that will be coming out onto Fordham Road due to proposed development; the figures provided appear to be inaccurate.

Parish - 29 March 2023

Does the Parish Council have any concerns about the application - Yes

Can these concerns be addressed by;

- a. amendments to the scheme
- b. conditions to be applied to any permission
- c. outright refusal of permission
 - Unustainable as sewage is already at capacity for the town and will therefore struggle to take further sewage and surface water
 - Brook Street will struggle to accommodate further vehicles, this extra traffic will heavily impact access out onto Fordham Road.
 - Before any works commence the developer needs to be in discussion with the owner(s) regarding the rest of SOH.H1 as there are issues with drainage, flooding and extra traffic on the whole development
 - Building on flood zone 3

CCC Growth & Development - 26 November 2021

1.0 Background

1.1 Soham is defined as a market town in the 2015 East Cambridgeshire Local Plan.

1.2 This application is seeking permission to develop 80 residential dwellings (tenure mix unknown) on Land to Rear Of 81 - 111 Brook Street, Soham.

1.3 Section 14 of the Education Act 1996 places local authorities (LAs) under a general duty to provide a school place for every child living in the area who is of school age and whose parents want their child educated in the state funded sector. The Education and Inspections Act 2006 placed additional duties on LAs to ensure fair access to educational opportunity, to promote choice for parents and secure diversity in the provision of schools. This reaffirmed the rights of parents to express a preference of school for their children to attend. Where possible this preference should be accommodated, there is not a statutory duty to meet these preferences however.

1.4 In line with its statutory duties the Council aims, where possible, to secure sufficient places for children to attend their local catchment school. In areas where there are several schools in proximity, mostly in urban areas, greater emphasis is placed on local rather than catchment schools. There are several reasons for this approach:

- Ensuring children attend their local catchment school aligns with the corporate priorities of 'helping people live healthy and independent lives' and 'supporting and protecting vulnerable people'.
- If pupils have access to their local school, they are more likely to attend by cycling, scootering or walking. They will also be able to access out of school activities more readily and can develop friendship groups within their own community.
- Providing a local school will ensure that services can be easily accessed by families in the greatest need (Cambridge City Secondary Review, 2017).
- It recognises the wider role schools play within their local communities, as providers of sport and leisure, adult and community learning and as venues for cultural events (New School Competition Policy, 2007).

1.5 A further consideration for the Council is that by mitigating the impact of new housing developments within the local school families within the existing community are not disadvantaged in accessing school places.

1.6 It may be necessary for planning officers to consider how the impact of additional vehicular journeys which may arise because of alternative approaches to mitigating housing developments impact on the sustainability of development proposals.

1.7 With consideration to the above, this paper sets out, in its role as the Local Children's Services Authority, the County Council's position in relation to the emerging development proposals.

2.0 Proposal

2.1 The proposals for the site suggest that the development will consist of 80 dwellings and a need to ensure provision for additional children. This development will generate around 24 Early Years children (of whom 14 are eligible for free places, comprising of 10 x 15-hour places and 4 x 30-hour places, equivalent to **9 full time (30-hour places)**); **32 primary children and 20 secondary children. Contributions will be based on the approved development mix to ensure they comply with the planning tests.**

3.0 Other Developments

3.1 There are several other developments proposed in the area and the cumulative impact of these also needs to be considered. These are listed in Table 1a and 1b. For clarity, Table 1b shows the local plan allocations for context only and they are not included in the education forecast calculations as no planning application has been submitted or approved.

Table 1a: Developments in the surrounding area

Table 1b: Local Plan allocations (for context only)

4.0 Identified Requirements

4.1 Early Years provision

4.1.1 There are several childcare providers in Soham, as outlined in Table 2 with a total capacity of 513 x 15-hour places.

Table 2: Early Years Provision in Soham (including St Andrew's C of E Primary School, The Weatheralls Primary School & The Shade Primary School)

4.1.2 In October 2020 there were 662 children aged 0-3 living in the local catchment (Cambs. CHIS Data, 2020). This indicates that there are approximately 371 children eligible for free places. In Spring 2020, there were 314 children eligible for funded places living in Soham. In Spring 2020, there were 268 funded children claiming a place at a setting. This shows that there is a reasonable take up of funded places.

4.1.3 In September 2017, 30-hour funding for 3 and 4 year olds was introduced, which has increased the demand for early year's provision in the area. Table 3 shows that when including all the new developments a total of 678 x 15-hour places will be required.

Table 3: 15-hour places required in Soham from September 2017

4.1.4 The total demand of 678 x 15-hour places is above the current capacity of 513 places. Therefore, it is necessary to seek developer contributions to mitigate this impact arising from new development, which will be in the form of new early years provision at either of the stated projects. See sections 5 and 6 below for details of contributions and triggers.

4.2 Primary Provision

4.2.1 **Catchment based forecast:** In 2020/21 Soham primary catchment has a PAN of 180 and this means the school currently has an overall capacity of 1,260 pupils, although there is physical capacity for 1,470. In January 2021, there were forecast to be 1,190 children aged 4-10 year living in the catchment compared to 1,135 children on roll. The catchment population is forecast to decrease to 1,173 by 2024/25 (Catchment Forecasts, October 2021).

Table 5: Catchment forecast for The Shade, Weatheralls, St Andrew's combined catchment

4.2.2 There are forecast to be 32 children generated by this development. There are also several other developments coming forward in and around the town. The approved developments will generate an additional 336 primary school children (see Table 1a). This means that by 2024/25 the total primary school population will be 1,541 (1,173 + 32 + 336) and there will not be sufficient capacity within Soham primary schools to accommodate this. Contributions are sought to mitigate this impact in the form of a school expansion. See section 5 and 6 below for details of contributions and triggers.

4.3 Secondary Provision

4.3.1 **Catchment based forecast:** Soham Village College is the catchment secondary school for the town. It has a PAN of 270 and this means the school currently has an overall capacity of 1,350 pupils. In January 2021, there were forecast to be 1,075 children aged 11-15 living in the catchment compared to the 1,382 on roll. The catchment population is forecast to increase to 1,266 by 2024/25. (see Table 5).

Table 7: Catchment forecast for Soham Village College

4.3.2 There are forecast to be 20 secondary school children generated by this development. There are also several other developments proceeding in and around the town. These developments will generate an additional 428 secondary school children (see Table 1a). This means that by 2024/25 the total population will be 1,714 (1,266 + 20 + 428) and there will not be capacity at Soham Village College. Contributions are sought to mitigate this in the form of a school expansion. Further details on the contributions and triggers are set out in sections 5 and 6 below.

5.0 Specified Projects

5.1 As outlined in the New School Competition Policy (approved by Members in 2007) "it is not possible, ahead of detailed planning consent and acquisition of a school site, to produce a fully costed design proposal". Therefore, S106 project cost estimates will be based on the following:

Table 6: Basis of Project Costs

Note: *GIFAs are generic to BB103 recommendations and will need to be adjusted for site specific requirements. Other elements of the capital scheme are then calculated as a percentage of this build cost and include (for example) external works, furniture and equipment (including ICT), contingencies, professional fees and dual-use and community facilities. CCC endeavours to use average build rates from the latest National Schools Delivery Cost Benchmarking report for its cost estimates where possible, updated for time and location factors. Where this is not possible, or applicable, CCC will use its own average project cost data.

^ The scorecard costs have been adjusted using the BCIS Cambridgeshire uplift of 5% which is consistent with that already used by the Council for budgeting capital projects.

Table 7: Specified Projects

S106 Contributions Table

6.0 Triggers

6.1 The Council incurs significant pre-development costs when building education infrastructure, therefore they require contributions to be paid at an early stage in the housing development. These payment triggers will need to be agreed by all parties.

Table 8: Triggers for payment of contributions

7 Libraries and Lifelong Learning

7.1 Cambridgeshire County Council has a mandatory statutory duty under the Public Libraries and Museums Act to provide a comprehensive and efficient library service to everyone living, working, or studying in Cambridgeshire.

7.2 This development will generate 152 new residents (80 new dwellings x 1.9 average household size), with local library provision being provided from Soham library.

7.3 Applying the number of new residents arising from this site, the County Council's assessment is that the number of new residents will put considerable pressure on the library and lifelong learning service in the town. The County Council therefore considers that it is reasonable to seek a contribution towards library and lifelong learning provision and mitigate the impact of the development.

7.4 The County Council is seeking a contribution based on a rate of £91 per head of population increase. This figure represents the proportionate cost of mitigating the increased demand through enhanced static library provision (resources and fit out) with the money being used to remodel Soham Library to improve infrastructure and meet the demand of new residents, increasing the floor space available to the community.

7.5 Ensuring that the contribution is proportionate to the number of new residents arising demonstrates that it is **fairly and reasonably related in scale and kind**.

7.6 The figure of £91 per head of population increase has been calculated based on information contained within the document Public Libraries, Archives and New Development: A Standard Charge Approach, May 2010. See Appendix 2 for further information on the justification.

7.7 Therefore, the development would need to contribute the following library and lifelong learning contribution:

- **£13,832** (£91 per head of population x 152 new residents OR £172.90 per dwelling).

7.8 The trigger for the library and lifelong learning payment is: • 100% prior to occupation of 50% of the dwellings

7.9 The S106 agreement will need to contain provision for increases in indexation from 1Q2019, this being the date of the above cost to the date the contribution is paid. 8

Monitoring Fee.

8.1 The Council currently charges a flat fee of £150 per standard s106 agreement for monitoring – higher fees might apply for more complex agreements.

Appendix 1

Links to the housing trajectories published by each district council can be found below.

East Cambridgeshire:

https://www.eastcamb.gov.uk/sites/default/files/EB032%20Five%20Year%20Housing%20Land%20Supply%20Statement%202017_0.pdf

Appendix 2

Soham Library Project Justification:

Enhanced static library provision (resources and fit out) also requiring internal modifications to existing building: £91 per head of population increase.

Building modifications

In order to mitigate the impact of the new residents, Soham Library will require a redesign of the porch and entrance area to add to the available space in order to offer additional resources such as the business and IP offer and increased provision of community information.

Internally, the shelving, shelving end panels and counter would need to be replaced with more flexible solutions to accommodate the increase in demand and allow for multi-purpose community use.

To be able to mitigate the impact of the new residents within the existing library the current meeting room could be enhanced to make it a more flexible space and that it could be used as a social/community space. This would comprise additional mobile units such as kinder boxes for junior stock and flexible shelving solutions for other stock as well as flexible furniture solutions that would be suitable for a wide range of community uses.

Enhanced resources

New library stock would be required to be changed more frequently to ensure that the reduced capacity of the library would be able to meet the demand of the new residents on book stock.

In addition, book stock for the Business & IP offer and for Health programmes such as Reading Well would be required to meet the needs of the new residents.

An enhanced IT offer would also be required to mitigate the impact of new residents on existing IT resources. This would take the form of additional power points available within the modified meeting room and porch area by replacing existing seating with integrated seating and power solutions.

Environmental Health - 25 August 2021

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 and demolition phases 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

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

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 read the NIA dated the 29th July 2021 which finds that all plots will achieve the relaxed target levels with a partially open window. I have no issues to raise with the methodology or findings of the report.

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

Environmental Health - 13 September 2021

I have read the Phase I Desk Study and Preliminary Risk Assessment report dated 22nd June 2021 prepared by Geosphere Environmental and accept the findings. Although most of the site is generally at low risk from contamination the report recommends that a Phase II investigation is carried out. I recommend that standard contaminated land conditions 1, 2, 3, and 4 are attached to any grant of permission.

Lead Local Flood Authority - 20 September 2021

We have reviewed the following documents:

- Flood risk Assessment and Drainage Strategy - July 2021
- Existing Site Plan - July 2021

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the hybrid planning application for full planning permission for the demolition of 81 Brook Street and the provision of a new site and replacement bungalow along with outline planning permission (all matters reserved except for access) for the construction of up to 80 new homes (including affordable housing), public open space and associated infrastructure.

From the flood risk assessment and drainage strategy provided the LLFA is satisfied that there is sufficient space available within the development plan to allow for a suitable surface water drainage system to be implemented. There are many positive elements from the existing surface water drainage strategy which has benefitted from pre-application engagement with the LLFA including limiting surface water discharge from the site to greenfield rates.

Based on the report provided to date we would make the following observations:

- The proposed development is set on a raised platform set a 5.17 mAOD which will be built above the existing ground levels. Review of existing spot levels on site identified areas of between 4.7 and 4.9mAOD that would be raised by between 0.47 - 0.27m respectively.
- Infiltration SuDS have been ruled-out in the drainage strategy due to high groundwater levels recorded on site based on the existing ground level.
- Consideration should be made to how the incorporation of raised development platform presents an opportunity to review the potential for infiltration SuDS.
- The drainage strategy currently relies on a fully pumped surface water drainage strategy. 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 or infiltration 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 occurredThe floor levels of the affected properties must be raised above this level and all flooding must be safely stored onsite
- The sizing of the proposed attenuation pond is based on a hydro brake flow control and a pumped system may have different storage requirements. However there appears to be sufficient land available for an enlarged attenuation pond if required.
- Detailed design should show how the attenuation basin is half empty within 24 hours.
- The existing maintenance schedule makes no reference to the proposed pump.
- Water quality assessment assumes that all flow passes through both the swale and the attenuation basin, however outline design suggest that some flow is directed direct to the pond. This should be reviewed, and calculations updated for final detailed design.

We request the following condition is imposed:

Condition

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Sustainable Drainage Strategy prepared by Waterco (ref: 12737-FRA & Drainage Strategy-03 dated July 2021) noting the above observations. and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- j) Full details of the maintenance/adoption of the surface water drainage system;
- k) Measures taken to prevent pollution of the receiving groundwater and/or surface water

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

Reason

To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

Informatives

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Anglian Water Services Ltd - 2 September 2021

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Soham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Anglian Water Services Ltd - 28 February 2022

ASSETS Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES Section

2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Soham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

We are aware there is a lot of growth currently underway/forecast in the Soham Water Recycling Centre (WRC) catchment. At the current profiling we don't expect to require investment at the WRC until AMP 9. In the Water Recycling Long Term Plan we have highlighted that we may need some investment in the catchment in AMP7, this will be monitored and pushed forward where needed.

Section 3 - Used Water Network

We have engaged with the applicant for this site and can confirm that a connection to the local network is acceptable without the need for mitigation. The foul network currently has capacity to accommodate this development for up to 80 dwellings, however, if further development is proposed and the site expanded we would wish to reassess. This site does not form part of the wider foul network strategy for Soham.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

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. We please find below our SuDS website link for further information. <https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

The Ely Group of Internal Drainage Board - 12 August 2021

This application for development is outside of the Middle Fen and Mere Internal Drainage Board.

The Board has no comments to make from a drainage point of view.

Environment Agency - 14 September 2021

Environment Agency position in the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused. Reasons The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to clearly demonstrate that there will be no impact offsite as a result of the proposed ground raising.

The baseline modelling and choice of breach locations have been agreed at the pre-application stage. We have not however reviewed the breach model runs. Given the potential sensitivity of the floodplain to alterations and the potential offsite impact of reducing the floodplain in this area, we need to review the model files and outputs. It is counter intuitive that the raising of the ground levels will have no impact on the water velocity and depth during a breach of the defences. We need to review the model scenarios to reassure ourselves that there will be no impact on third parties.

Overcoming our objection –

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

Environment Agency - 1 December 2021

We withdraw our objection regarding the modelling included within the Flood Risk Assessment (FRA) but wish to raise the following matter.

Sequential Test –

This site forms part of a wider allocated site, SOH1 (land off Brook Street 22 hectares allocated for residential development for up to 400 dwellings), within the East Cambridgeshire Local Plan (2015) and has therefore been deemed to have passed the Sequential Test.

SO1 is located within Flood Zones 1, 2 and 3 of our flood map for planning.

Point 11 of Policy SO1 sets out that development proposals will be expected to 'demonstrate that the flood risk on the site can be adequately mitigated' the

explanatory note to the policy goes on to say (page 259) 'Part of the site is an area of high flood risk. A Flood Risk Assessment of the site has been carried

out (to inform the Core Strategy in 2009), demonstrating that this risk can

potentially be mitigated. This will need to be reviewed, and careful regard had to the mitigation of flood risk in the detailed design and layout of the final scheme'.

We are concerned whether the sequential test, originally carried out as part of the Local Plan, is still relevant given that this application site forms only part of the allocated area.

The relatively small size of this application site poses a barrier to the most effective way to manage the flood risk to the wider site i.e. to avoid locating development within those parts of the site at highest risk of flooding by using the sequential approach.

We are unsure whether policy SOH1 was deemed to have passed the Sequential Test because the sequential approach could be used to manage the risk of flooding to the site.

We are also unclear whether this application forms part of a wider scheme to develop the entire SOH1 site or whether the proposals have been reduced and the wider SOH1 site is not planned to be developed. If this is part of the wider development of the entire area of SOH1, then we recommend that the sequential approach is taken by strategically master planning the entire area rather than doing it piecemeal through individual applications.

We recommend that your Authority reviews the sequential test carried out as part of the Local Plan to determine its relevance for this application.

Exception test –

The proposed method of mitigating the residual risk is, in theory, compliant with the National Planning Policy Framework (NPPF) as the Flood Risk Assessment and modelling show that there is no impact off site.

Modelling always has a level of uncertainty however, so we promote passive methods for managing flood risk. In this case, this could involve raising only the buildings to be above the breach flood level rather than raising ground levels.

This will maintain the flood pathways onto site but keep the properties from flooding internally. However, we acknowledge that this will impact the overall height of the buildings and level access into them.

Environment Agency - 17 March 2022

Thank you for your email, received 8th February 2022, we hope that the following response answers your surface water drainage, permitting and ground raising questions.

Within this letter we have included further guidance on the National Planning Policy Framework (NPPF) flood risk sequential and exception tests. We have also provided some information for the applicant regarding dewatering during construction.

Flood Risk

Environment Agency Position

In our previous response (ref AC/2021/130510/02 dated 01.12.21) we set out that:

'We are concerned whether the sequential test, originally carried out as part of the Local Plan, is still relevant given that this application site forms only part of the allocated area.

The relatively small size of this application site poses a barrier to the most effective way to manage the flood risk to the wider site i.e. to avoid locating development within those parts of the site at highest risk of flooding by using the sequential approach.

We are unsure whether policy SOH1 was deemed to have passed the Sequential Test because the sequential approach could be used to manage the risk of flooding to the site.

We are also unclear whether this application forms part of a wider scheme to develop the entire SOH1 site or whether the proposals have been reduced and the wider SOH1 site is not planned to be developed. If this is part of the wider development of the entire area of SOH1, then we recommend that the sequential approach is taken by strategically master planning the entire area rather than doing it piecemeal through individual applications.

We recommend that your Authority reviews the sequential test carried out as part of the Local Plan to determine its relevance for this application.'

This above remains our position. We are not objecting to this application because it forms part of allocated site SOH1. However, we are concerned that residential development is proposed in flood zone 3a. We therefore recommend that the sequential test is applied to this application to explore whether this development could be located in an area at lower risk of flooding.

Sequential Test

For an allocated site we would not normally comment on the requirement for the Sequential test. However, this application is significantly different from the allocation area (smaller) and new information has been submitted within the application to better define the flood risk to the site (breach modelling). This information shows that:

- The site is partially located within flood zone 3a (defended); and
- The site is partially located in an area of residual risk if the defences were to fail.

Prior to the Flood Risk Assessment submitted with this application, the residual risk of failure was uncertain. This application has demonstrated that a portion of the site is at risk of flooding if the defences were to fail. This

information was not available at the time of allocation and could not have been considered within the original Sequential Test.

The safety of this site is therefore dependent upon existing Environment Agency flood defenses and our continued maintenance, repair and eventual replacement of those defences throughout the lifetime of the development. There is no certainty that this will be achievable given the funding challenges the country faces and the impacts of climate change on flow conditions.

The current funding rules that govern Government Grant in Aid funding (the predominant source of funding) does not allow us to take into account new developments such as this. We therefore consider locating new development (residential or commercial) in areas dependent on flood defenses to be unsustainable in the medium to long term.

This application site is only a small part of the SOH1 allocation. Splitting the allocation into smaller development parcels that are treated independently from each other, will result in more residential dwellings built in areas of flood risk because the sequential approach to site layout cannot be applied. We note that policy SOH1 requires that a 'masterplan for the whole area will need to be prepared and submitted as part of an outline planning application' and that this should be done prior to approval of a scheme. Provision of a masterplan for the SOH1 allocation would allow the sequential approach to site layout to be applied and therefore help to avoid development within flood zone 3a.

In the absence of a masterplan for SOH1 and for the reasons detailed above, we recommend that the Sequential Test should be applied to this application.

Roles in the determination of the Sequential Test

The LLFA (Lead Local Flood Authority) have a similar role to the Environment Agency only covering surface water flooding. Their remit does not cover fluvial flood risk and therefore our position may contradict theirs if the risks associated with each source of flooding is different.

The Environment Agency's role is to ensure your Authority has the correct information to assess the risks posed to the site so you can consider whether the benefits brought to the community outweigh them. We also provide technical advice on part b) of the NPPF exception test.

Reconsideration of the Exception Test for allocated sites

If the sequential test is deemed to have been met by your Authority, then (and only then) should the exception test be carried out. The Exception Test (Paragraphs 164 - 165 of the NPPF):

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the exception test should be satisfied for development to be allocated or permitted. Paragraph 166 of the NPPF sets out that '*... the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making*

stage, or if more recent information about existing or potential flood risk should be taken into account.'

Because this site forms only a small part of the area allocated, and the new FRA information regarding residual flood risk, we consider that both aspects of the exception test should be re-evaluated by your Authority.

Proposed mitigation measures.

It is proposed to raise the ground levels onsite so that the area allocated for housing remains dry in the modelled scenario. Given the ground levels at the edge of the platform are ~4.9mAOD, raising the land to 5.17mAOD would mean a maximum increase in ground level of ~ 0.27m (the FRA consultant will be able to provide a more definitive answer). If this is deemed feasible then this will ensure that the occupiers are at low risk of flooding.

We have not assessed the feasibility of undertaking this ground raising and whether it's acceptable in relation to other planning policies; the applicant will need to do this. If it is not deemed acceptable then the applicant will have to consider alternative options to ensure that the risk of internal flooding is lowered.

The modelling carried out within the Flood Risk Assessment provides an indication on the scale of impact raising the development site would have on the adjacent land. It indicates that there is no impact on flood levels. This should not be taken as absolute evidence of no impact. Modelling inherently contains uncertainties associated with the assumptions within the modelling software. Modelled flood levels should be considered with a buffer of at least plus or minus 250mm either side of the model output. Therefore, there may be local impacts that the modelling cannot predict but they are likely to be small.

These modelling uncertainties are one reason why we consider avoiding locating development in flood risk areas, and other passive measures, to be more sustainable/certain than physical interventions like the construction of flood defences or raising ground levels.

We highlighted in our previous response that an alternative mitigation measure would be to raise building heights only. The floor levels would need to be raised to the same height as they are under the current proposal – 5.459mAOD or a ~ maximum of 0.56m (rather than 0.29m FFL 0.27m ground raising). During a flood event this would result in some properties being surrounded by flood water. However, it would reduce the impact of flooding on third parties.

Whilst we have not raised an objection to the mitigation measures proposed within the FRA, we do not support their use, unless your Authority considers the sequential test and part a) of the exception test to have been met.

Pumped Surface Water Drainage

The Lead Local Flood Authority (LLFA) are responsible for the assessment of surface water drainage. Please be aware that the residual risk of pump failure is another consideration for the Sequential Test and the Exception test.

Discharge Consent

A Flood Risk Activity Permit will be required for any discharge structure unless an existing structure is to be used. We won't unfairly withhold a permit, but it will need to be demonstrated that the structure (and its installation) will not compromise the flood defences, their operation, maintenance and access to them.

Concerning the query relating to a permit for discharge; we assume this refers to a surface water discharge. Generally, no permit is required to discharge nominally uncontaminated surface water to a watercourse. However, dewatering during construction may be required and this will likely require a licence; further guidance is detailed below.

Dewatering – Guidance for Applicant

We cannot see any mention of dewatering in the plans submitted, but we note the site is on the Principal Chalk Aquifer, with a shallow groundwater table. As such, it is possible dewatering will be required on site (laying foundations, utilities etc.).

Historically, taking water from the environment for certain uses and from certain sources could be done without an abstraction licence. We called these 'exempt activities'. From the 1st January 2018, new regulations came into effect which mean most of these previously exempt activities cannot continue without an abstraction licence in place. This is the case for dewatering mines, quarries and engineering works (including construction).

If construction of the development requires the abstraction of more than 20 cubic metres on any one day, an abstraction licence will be required. The developer should ensure this is in place prior to any dewatering taking place.

More information on how to apply can be found here:

<https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

We would recommend the developer submit a pre-application enquiry, alongside a Hydrogeological Impact Assessment. This should be done in good time; depending on the complexity of a site, a licence application can take several months to assess prior to a recommendation to formally apply (this will be another several months for the licence to be written up, consultation with external partners taking place etc.)

We would never guarantee an abstraction licence will be issued; it is subject to considerable assessment to ensure no/minimal impact on surface water features, designated sites and other water users. Should we approve a licence, we are able to apply conditions, request monitoring, or suggest mitigation measures are implemented to ensure unforeseen impacts can be identified and prevented.

There are exemptions for small scale construction dewatering (The Water Abstraction and Impounding (Exemptions) Regulations 2017 (legislation.gov.uk)), however if this is used it must apply to the whole project – it cannot be used as a starting point prior to obtaining a licence.

Environment Agency - 1 September 2022

Thank you for your re-consultation email dated 1st April 2022. At your Authorities request we have delayed our response to enable us to meet. Unfortunately, your Authority has been unable to attend those meetings. To avoid further delay please find our response to the letter from Pidgeon development (dated 25 March 2022) and the former case officers' email (email from Barbara Greengrass dated 06/04/2022 - copy attached) below. We hope this response clarifies our position. Should you require further explanation we would be happy to meet with you.

Environment Agency Position In our previous responses we have provided flood risk and sequential test guidance to your Authority. The former case officer

questioned why, given the flood risk issues we have raised, we are not objecting to this application.

In the planning process, with respect to flood risk, the Environment Agency have a limited remit to directly object to planning applications. This is usually restricted to:

- Where the Flood Risk Assessment is technically incorrect or incomplete
- The development is increasing the risk to others directly
- Where the proposed development is located within a flood zone that its vulnerability classification is incompatible with
- Proposals that will directly impact flood defence assets

We may also object where the hazard to people travelling to a safe refuge is high.

In all other aspects we are limited to providing technical opinions. This is particularly true for:

- Determining whether the development is sustainable
- The NPPF flood risk Sequential Test
- Part a) of the NPPF Exception Test
- The determination of safety in terms of travelling to an area of safe refuge during a flood

This is because the determination of these issues doesn't just relate to flood risk but requires oversight of the wider context of the area; this is why the decision makers are the Local Planning Authority.

It is often perceived that the lack of an objection from the Environment Agency means that there are no flood risk concerns that should be dealt with before approval. However, it can just mean that the flood risk issues affecting a site fall outside of our direct remit to object over, as is the case with this application. We consider that placing developments within areas that are reliant upon defences for their safety, is an example of unsustainable development. In this case, we are of the opinion that considering the wider allocated area will enable your Authority to determine whether there are more sustainable options to the layout of this development.

Requirement for a Masterplan We have previously raised concerns regarding the lack of understanding of how this site will sit in the context of the wider SOH1 allocation area. The allocation policy requires that a 'masterplan for the whole area will need to be prepared and submitted as part of an outline planning application' and that this should be done prior to approval of a scheme; we are not aware that this has been undertaken. We remain of the opinion that provision of a masterplan for the SOH1 allocation would allow the sequential approach to site layout to be applied and therefore help to avoid development within flood zone 3a.

We do not agree with the applicant's assertion, that an allocation wide masterplan would not benefit flood risk management of this application. Understanding the risks across the whole site allows for a more flexible approach to be taken i.e. there may be areas that have lower depth of flooding that can be mitigated with less ground raising. The ability to develop around areas of flood risk might also be achieved. Another benefit might be that

mitigation options in other land parcels may offer more sustainable mitigation measures for the whole site.

Sequential Test Our position isn't that we don't believe that the sequential test has not been carried out for allocation SOH1, it is that this proposal differs so significantly from the allocation area that the test undertaken is not fully relevant.

The letter states that flood risk hasn't changed since the allocation, which is true, but our understanding of the flood risk has improved through this application. The undertaking of breach modelling has identified the potential risk associated with the failure of flood defences.

Developing in areas behind defences is unsustainable as there is no certainty over the long-term funding of the maintenance of those defences. We are no longer in a position that we can assume that existing defences will be maintained to the same standard in the long term. Risks such as increasing impacts of climate change and increases in maintenance costs will continue to add uncertainty over the long-term future of the current Flood Risk Management (FRM) measures. Planning has a key role in dealing with this uncertainty by steering new developments away from areas at risk of flooding, including areas reliant on defences for their safety.

The Single Issue Review (SIR) currently being undertaken by East Cambridgeshire District Council (ECDC) has identified that ECDC will have a significant excess of housing supply over the plan period. The SIR does not propose to either add or remove allocations due to this excess but it should be a consideration in the decision over this specific application.

Residual risk Residual risks i.e. the risk of defences being overtopped by an event larger than designed, or through the failure of the defences during a design flood, is a different form of risk but shouldn't be treated automatically as a lesser risk. The level of risk is defined by both the probability of the event and the scale of the impact. Residual risks have a reduced probability of occurring, although the chance of failure/ overtopping may increase overtime dependent upon funding availability and the impacts of climate change. Impacts from overtopping and defence failures can be larger than those of a 'normal' flood, at a local level due to the decreased warning periods, higher water velocities and lack of awareness of the risk. Therefore, the balance of probability and impact may still result in a significant level of risk. We trust that the above information is of assistance to you. If you have any further queries please contact us.

Environment Agency - 13 June 2023

It remains our view that the most sustainable option for the realisation of SOH1 allocation is through the consideration of the whole site rather than dealing with piecemeal applications such as this.

We reiterate that the masterplan, submitted to support this outline application, does not reflect how the wider development could come forward because:

- There is no demonstration that a sequential approach has been used in its design to avoid areas at risk of flooding.
- The building layouts restrict access to the flood defences and the watercourse.

- The building layout places the riparian responsibilities for maintaining the watercourse under multiple landowners.

If you are minded to approve the outline application as submitted, we consider that the proposed outline planning permission will only be acceptable if the following planning condition is included.

Condition: No development approved by this planning permission shall commence until such time as a scheme to ensure the following has been submitted to, and approved in writing by, the local planning authority:

- Ensure ongoing access to the flood defences and watercourse.
- Manage the residual risk of flooding from Soham Lode so that no properties would flood onsite and there will be no increase in risk of flooding now and in the future.
- Implement a long-term maintenance strategy for the Soham lode and the associated flood defences that are on site or adjacent to the site. This will also include provision for contributing towards the offsite infrastructure that the development is reliant upon.
- Demonstrate that all viable options have been implemented to reduce the risk of flooding to the local area.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason(s)

- To reduce the risk of flooding to the proposed development and future users
- To ensure the structural integrity of the existing flood defences thereby reducing the risk of flooding

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to itself and Soham.

Local Highways Authority - 2 September 2021

The below comments should be read in conjunction with those of the County's Transport Assessment team.

There are no parking or waiting restrictions along Brook Street meaning that there are high levels of on-street parking which result in vehicles giving way to opposing flows at multiple locations, including at the location of the proposed site access. Such an arrangement is not suitable for significant additional traffic flows. As outlined in the Transport Assessment, the scheme is forecast to generate approximately 40 additional vehicular trips along Brook Street during peak times or one extra vehicle every 90 seconds. This level of increased traffic along Brook Street is likely to be noticeable to existing residents but is not likely to be of a volume to jeopardise highway safety. However, a localised traffic calming scheme should be provided along Brook Street to mitigate any negative impacts of the development.

Should the TA team challenge the proposed trip generation, then the above conclusion will need to be reviewed.

The design of the site access appears to be broadly appropriate for a development of the proposed scale. However, vehicle tracking should be provided showing a refuse vehicle (to ECDC waste team specifications) entering and exiting the site access from both directions along Brook Street with the body fully contained within the carriageway. The plan included within the transport assessment shows the refuse vehicle body overhanging the adjacent footway which is a danger to passing pedestrians.

Vehicle tracking should demonstrate that a refuse vehicle can enter and exit the site when 1) there are cars parked opposite the access and 2) when there are cars parked adjacent to the access either side of the proposed bellmouth. As there is only a single proposed vehicular access to the development, the applicant will need to demonstrate that it will be accessible at all times. Vehicle tracking should also be provided showing a refuse vehicle and large car passing for the length of the internal access road between the site access and the internal turning head / priority junction. Can the applicant confirm the corner radii for the internal turning head are 6m?

The access would benefit from the inclusion of waiting and parking restrictions within the immediate vicinity of the access. However, the provision and acceptability of such measures sits outside of the planning system.

A pedestrian crossing of the access should be provided but this can be addressed during a Section 278 application.

The proposed access as shown on the drawing 211078 C-601 P07 is longer than would normally be required for access and may be interpreted as part of the layout which is not being submitted for approval. I do however accept that the extension of the access to a turning head (to be a priority junction in time) is beneficial for highway safety. However, a 2.4m x 25m inter-vehicle visibility splay should be shown from the minor arm of the turning head. This splay should not be obstructed by the proposed parking bay.

Please note that the LHA does not adopt parking bays. Our preference is that parking bays are not provided on adoptable roads, but I recognise that this is not always possible to avoid. Therefore, should a parking bay be included on adoptable roads, the bay itself will remain in private ownership and they should be marked separate to the surrounding highway e.g. a change in surface material or the inclusion of a flush kerb.

A 2m x 2m pedestrian visibility splay should be provided each side of the private driveway to the nearside of the footway for the replacement dwelling included in the full application. The splay will need to be maintained clear from a height of 0.6m.

Surface water from the private driveway will also need to be prevented from entering the access road.

It is unclear how the access road included within the full application is to be drained. The system should not be designed so that surface water from the site is discharged onto Brook Street as the condition of existing highway drainage along Brook Street is unknown.

An illustrative layout for the entire site has been provided. I accept it is indicative and not for approval, but some initial comments are provided in the interest of aiding future reserved matters applications.

- A public right of way runs through the site, so I advise that you consult the Definitive Map Officer.

- The layout should be developed as per the County's General Principles for Development and Housing Estate Road Construction Specification. Both documents are available from <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roadsand-pathways/highways-development>
 - Adoption of highways cannot take place until surface water sewers have first been adopted by Anglian Water.
 - The LHA will not adopt SuDS, verge (unless it forms part of a visibility splay) or parking bays.
 - The internal layout should be design for a 20mph design speed and as such should have a feature which changes the horizontal or vertical alignment of a carriageway centreline at least every 80m.
- I would like to invite the applicant to prepare a submission which addresses the above comments.

Local Highways Authority - 21 January 2022

The revised access onto Brook Street is acceptable and it address my previous comments. I have no further comments relating to access.

The footways throughout the site should be 2m in width. A footway width of 1.5m is not considered suitable for new developments as it is insufficient to allow two wheelchairs or pushchairs to pass without one entering the carriageway. The LHA would not adopt the internal roads unless the footway widths were to increase.

I presume that the applicant will in time, seek that the LHA adopt internal highway. This will be determined by means of a Section 38 application and comments within this response are written on a without prejudice basis to such an agreement. Adoption can only be considered where the requirements outlined in CCC's Housing Estate Road Construction Specification have been adhered to. I recommend that the applicant familiarise themselves with the requirements prior to preparing a reserved matters application for the remainder of the site.

The LHA will not adopt the visitor parking bay located parallel to the main internal road. Nor will the LHA adopt any road until the surface water and foul sewers have first been adopted by Anglian Water. I note that the FRA states private drives will be drained by permeable surfacing. The LHA does not accept permeable paving as a suitable means of surface water drainage and additional measures will be required for the drainage of private drives prior to any S38 Agreement being agreed. This can take the form of a positive drainage solution or surface water interception.

In any subsequent application for the remainder of the site, the road leading to the adjacent development parcel should extent fully to the red line boundary so as not to preclude any connection to the remainder of the allocation site.

Should the applicant increase the footway widths appropriately and the LPA wish to grant permission, I recommend that the following conditions and informatives be appended.

Conditions

HW2A: 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 211078-C-601 Revision P09 in writing by the Local Planning Authority.

HW3A: The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.

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 211078-C-601 Revision P09.

HW14A: 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.

HW23A: 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).

Informatives

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.

Local Highways Authority - 21 April 2022

Based on the latest submission I have no objection to this application as all previous comments have been addressed.

The accesses to the remainder of the LP allocation (north-west and south of the site) do not fully extend to the application boundary on the site plan. While I acknowledge that this layout is illustrative, in subsequent reserved matters applications, access roads will need to extend to the boundary. These access points are shown on the parameter plan although it is unclear if they will extent to the redline.

Should the applicant increase the footway widths appropriately and the LPA wish to grant permission, I recommend that the following conditions and informatives be appended.

Conditions

HW2A: 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 Chief Executive Stephen Moir www.cambridgeshire.gov.uk with the details approved on 211078-C-601 Revision P12 in writing by the Local Planning Authority.

HW3A: The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.

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 211078-C-601 Revision P12.

HW14A: 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.

HW23A: 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).

Informatives

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.

County Highways Transport Team - 8 September 2021

Transport Assessment Review

Introduction –

The site forms part of allocation SOH 1 (Housing allocation, land off Brook Street) in the East Cambridgeshire Local Plan (2015) for up to 400 dwellings. It is noted land for the remainder of the allocation is not within the landowner's/applicant's control.

Proposed Site Access –

Vehicular access into the site is proposed to comprise a new priority T-junction off Brook Street consisting of a 5.5m wide carriageway with 2m wide footways situated on both sides of the carriageway leading into the site. The proposed access requires the demolition of an existing dwelling which will be replaced

within the site. Pedestrian and cycle access into the site will be taken from the site access junction.

Site access and servicing details should be agreed with Highways Development Management who will provide separate comments.

It is noted a Construction Traffic Management Plan (CTMP) will be prepared to minimise the impact of construction traffic during the construction period. The CTMP will be secured through a planning condition should approval be given.

Parking Provision –

It is noted both car and cycle parking provision will be agreed at the reserved matters stage. Both car and cycle parking provision are anticipated to accord to the parking standards outlined within the East Cambridgeshire Local Plan (2015). It is ultimately for the Local Planning Authority to agree the car and cycle parking provision for the proposals

Existing Sustainable Travel Infrastructure –

A number of key facilities and amenities within Soham are located within acceptable walking and cycling distance from the development site.

Footways are present on both sides of Fordham Road which provide access to Soham Town Centre. The footway on the eastern side of Fordham Road is circa 1.4m in width. This routes towards Soham Town Centre to the north and the A142/A1123/Fordham Road roundabout to the south where it widens to 1.6m in width within the vicinity of the Fordham Road/Orchard Row mini roundabout. A 2m wide shared footway/cycleway is present on the western side of Fordham Road. This also routes towards Soham Town Centre to the north and the A142/A1123/Fordham Road roundabout to the south. Pedestrian crossing facilities are available to enable pedestrians to cross and utilise the facilities on the western side of Fordham Road. The TA should outline existing footway widths on Brook Street, Staples Lane, and Tanners Lane along the desire line to the local schools.

It is noted the National Cycle Network Route 11, which provides a cycle route between Cambridge and Ely, passes circa 4km west of the site through Wicken village.

Public footpath No.82 passes through the development site. It should be detailed whether this footpath will be upgraded or maintained as part of the proposals. Furthermore, the TA should outline how residents of the site can access the public footpaths north of Soham Lode (Drain). PROW details should be agreed with our PROW Team who will provide separate comments.

The two bus stops closest to the site are located c400m from the site on Fordham Road within the vicinity of Staples Lane. Both stops serve the No.12 bus service which operates Monday to Saturday between Cambridge and Ely at an hourly frequency between 08:00 and 20:30, in addition to the No.117 bus service which operates on a less frequent basis. Existing infrastructure at the northbound bus stop comprises a flag and pole with bus timetable information, whilst the

southbound bus stop comprises a brick shelter with timetable information, a bus lay-by, and a flag and pole.

Ely Railway Station is the nearest train station to the site situated circa 9.5km north of the site. The station provides frequent services to destinations including Kings Lynn, Norwich, Peterborough, Cambridge, and London Kings Cross. The TA also notes the Combined Authority project in motion to deliver a new

passenger railway station in Soham. Such station is anticipated to open in 2022 and will be situated circa 2km northwest of the site within acceptable walking and cycling distance. The station will comprise parking provision for 50 cars (inclusive of 5 disabled bays) along with cycle parking, and will provide regular rail services to Ely, Bury St Edmunds and Ipswich.

Local Highway Network –

The Highway Authority are aware of existing concerns regarding Brook Street relating to on-street parking. This results in vehicles having to give way to opposing flows at multiple locations along Brook Street. The TA should determine the impact of development traffic on conflict between vehicles on Brook Street.

Accident Analysis –

The latest 60 months available accident data obtained from CCC has been provided for the agreed study area. The accident data is acceptable for use within this assessment. It is noted 10 accidents were recorded at the A142/A1123/Fordham Road roundabout within the last 60 months. Given almost half of the accidents recorded (4 accidents) at this junction over the last 60 months occurred at the A142 (N) entry arm and considering the proposed development would not generate a significant number of vehicle movements on the A142 (N) arm in the peak periods, it is considered the development will not have an 'unacceptable' impact on highway safety at this junction.

Development Trip Generation –

Trip generation for the proposed development has been obtained using TRICS vehicle trip rates. The development is anticipated to generate 43 two-way vehicle trips in the AM peak and 39 two-way vehicle trips in the PM peak. The proposed trip generation is low and is not agreed. Vehicle trip generation for the development should be calculated using TRICS total person trip rates in conjunction with mode share data for the East Cambs 006E Super Output Area to determine vehicle trip generation that is representative for the area. Multi-modal trip generation for the development should be detailed within the TA. This should be calculated by using the TRICS total person trip rates in conjunction with the mode share data taken from 2011 Census 'Method of Travel to Work' data for the East Cambs 006E Super Output Area.

Development Trip Distribution –

It is noted 46% of development trips are anticipated to travel to/from Brook Street to the north whilst 54% of development trips are anticipated to travel to/from Brook Street to the south. Whilst the methodology used to distribute development trips onto the local network is agreed, it is not agreed that traffic heading to/from Huntingdon will route to/from Brook Street to the north. Trip distribution should be revised accordingly. Traffic flow diagrams should also be submitted illustrating the assignment of development trips onto the local network.

Highway Capacity Assessment –

The impact of development traffic on the surrounding highway network cannot be agreed until such a time as the development trip generation and distribution are agreed. As per DfT guidance, junction capacity assessments should be

undertaken for all junctions where development traffic will exceed a 30+ trip threshold in the peak periods. This will form the study area and should include the site access junction. Junction capacity assessments should be undertaken using Junctions 9 software for a Base Year, 2026 Future Year (base + TEMPRO + committed development) + With/Without Development, and 2031 Design Year (base + TEMPRO + committed development) + With/Without Development assessment scenarios for the AM and PM peak periods. Traffic flow diagrams should be submitted for the above assessment scenarios in addition to individual and cumulative committed development traffic so the flows included within the models can be checked. As agreed within the scoping discussions, it is noted the assessment assumes the worse-case scenario that all development traffic routing to/from the south will travel via the A142/Fordham Road/A1123.

October 2018 turning count data obtained from the Cherrytree Lane planning application (ref: 21/00291/OUM) used to determine baseline traffic counts for the A142/A1123/Fordham Road roundabout is agreed. Turning count data should also be obtained for the remaining junctions included within the study area to be identified following the requested revisions to the development trip generation and distribution. Such turning count data should in the first instance be obtained from existing counts available within the public domain and be no older than 2018. Should secondary data not be available, new turning count surveys should be undertaken. These should be undertaken during a neutral period within school term time and the raw data appended to the TA. It should be noted that new surveys may require uplifting to consider the impact of Covid should it be demonstrated to be required.

Whilst the ATC survey undertaken on Brook Street is appropriate to determine vehicle speeds, it should be demonstrated that the counts obtained on Brook Street are representative of pre-Covid 'normal' traffic counts. Again, such counts may require uplifting to consider the impact of Covid should it be demonstrated to be required.

Mitigation –

Mitigation should be determined in consideration of Policy SOH 1 of the East Cambridgeshire Local Plan (2015). At this stage, with no agreement on what impact the development will have on the surrounding highway network, it is not possible to determine what mitigation if required, is needed to make the development acceptable. Once the full impact of the development is known, mitigation measures can be assessed.

Welcome Travel Packs –

The developer should produce and deliver Welcome Travel Packs to the first occupants of each residential dwelling. The Travel Packs should include incentives inclusive of the provision of bus taster and/or cycle discount vouchers to encourage sustainable travel by residents of the site. An outline of the information that must be included within the Travel Packs can be found within our Transport Assessment Guidelines (2019). The Welcome Travel Packs will be subject to a condition should approval be given.

Conclusion –

The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

The Highway Authority therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

County Highways Transport Team - 7 January 2022

Proposed Site Access –

Site access and servicing details are to be agreed with Highways Development Management who will provide separate comments.

Existing Pedestrian and Cycle Infrastructure –

A number of key facilities and amenities within Soham are located within acceptable walking and cycling distance from the development site.

Footways are present on both sides of Fordham Road which provide access to Soham Town Centre. Staples Lane is situated on the pedestrian desire line from the development site to key locations within Soham such as Soham Town Centre, St Andrew's CE Primary School, and Soham Village College. The footway on the western side of Staples Lane between Brook Street and Fordham Road is narrow and should be widened to a minimum 2m in width where possible to improve pedestrian access along the desire line to key locations within Soham. This should include a dropped kerb crossing with tactile paving across The Crescent.

Public footpath No.82 passes through the development site. It is noted this public footpath will be retained in-situ as part of the proposals. PROW details are to be agreed with our PROW Team who will provide separate comments.

Local Highway Network –

The Highway Authority are aware of existing concerns regarding on-street parking on Brook Street. It is noted a site visit was undertaken on Brook Street to demonstrate whether there is ample passing provision on Brook Street to facilitate additional development traffic. The results of the car parking survey undertaken on Brook Street in October 2021 should be appended to the TA for review. This is required for the Highway Authority to determine whether there is ample passing provision on Brook Street to accommodate the additional development trips.

Development Trip Generation –

Multi-modal trip generation for the development has been calculated using TRICS total person trip rates in conjunction with 2011 Census 'Method of Travel to Work' data for the East Cambs 006E Super Output Area. The development is anticipated to generate 56 two-way vehicle trips in the AM peak and 51 two-way vehicle trips in the PM peak. This is agreed. The development is also anticipated to generate 5 walking trips, 5 cycling trips and 1 public transport trip in the peak periods.

Development Trip Distribution –

The methodology used to determine the distribution of development trips is acceptable for use. It is noted 45% of development trips are anticipated to travel to/from Brook Street to the north whilst 55% of development trips are

anticipated to travel to/from Brook Street to the south. This is agreed. The development traffic flow diagrams appended to the TA are acceptable for use.

Highway Capacity Assessment –

As per DfT guidance, junction capacity assessments should be undertaken for all junctions where development traffic will exceed a 30+ trip threshold in the peak periods. For this development, capacity assessments should be undertaken for the Site Access junction, the Regal Lane/Fordham Road junction, and the A142/A1123/Fordham Road roundabout.

The Highway Authority are satisfied with the assessment of development traffic at the A142/A1123/Fordham Road roundabout. Such assessment uses baseline turning count and modelling data obtained from planning application ref: 21/00291/OUM. It is noted the developer is willing to contribute £58,800 towards the A142/A1123/Fordham Road roundabout improvement scheme. Such contribution sum has been calculated by applying the methodology used to determine a contribution sum towards the roundabout improvement scheme submitted as part of planning application ref: 21/00291/OUM.

Junction capacity assessments should be undertaken using Junctions 9 software for a Base Year and 2026 Future Year (base + TEMPRO + committed development) + With/Without Development assessment scenarios for the AM and PM peak periods for the Site Access junction and Regal Lane junction. Traffic flow diagrams should be submitted for the above assessment scenarios in addition to individual and cumulative committed development traffic so the flows included within the models can be checked.

Whilst it is noted in the TA that the Regal Lane/Fordham Road junction is 'busy but not operating over capacity', an assessment of the Regal Lane junction is required to determine and evidence the existing capacity of the junction and the impact of development traffic to the operation of the junction. Turning count data for the Regal Lane/Fordham Road junction should in the first instance be obtained from existing counts available within the public domain and be no older than 3 years old. Should secondary data not be available, new turning count surveys should be undertaken. These should be undertaken during a neutral period within school term time and the raw data appended to the TA. It should be noted that new surveys may require uplifting to consider the impact of Covid should it be demonstrated to be required.

Whilst the October 2021 ATC survey undertaken on Brook Street is appropriate to determine vehicle speeds, it should be demonstrated that the counts obtained on Brook Street are representative of pre-Covid 'normal' traffic counts for use within the Site Access capacity assessments. Such counts may require uplifting to consider the impact of Covid should it be demonstrated to be required.

Mitigation –

Mitigation should be determined in consideration of Policy SOH 1 of the East Cambridgeshire Local Plan (2015). At this stage, with no agreement on what impact the development will have on the surrounding highway network, it is not possible to determine the level of mitigation required to make the development

acceptable. Once the full impact of the development is known, mitigation measures can be assessed.

Welcome Travel Packs –

It is noted the developer will produce and deliver Welcome Travel Packs to the first occupants of each residential dwelling. This is agreed. The Welcome Travel Packs will be subject to a condition should approval be given.

Conclusion –

The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

The Highway Authority therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

County Highways Transport Team - 4 April 2022

Transport Assessment Review

Existing Pedestrian and Cycle Infrastructure –

Footways are present on both sides of Fordham Road which provide access to Soham Town Centre. Staples Lane is situated on the pedestrian desire line from the development site to key locations within Soham such as Soham Town Centre, St Andrew's CE Primary School, and Soham Village College. The developer will widen the footway on the western side of Staples Lane between Brook Street and Fordham Road to a minimum 2m in width where possible to improve pedestrian access along the desire line to key locations within Soham. The proposed works include a dropped kerb crossing with tactile paving across The Crescent. The footway widening works can be accommodated within the existing highway boundary. This will require some of the existing street lighting and utilities to be relocated on Staples Lane. The works will be secured via a S278 planning condition for the developer to deliver.

Public footpath No.82 passes through the development site. It is noted this public footpath will be retained in-situ as part of the proposals. PROW details are to be agreed with our PROW Team who will provide separate comments.

Development Trip Generation –

The development is anticipated to generate 56 two-way vehicle trips in the AM peak and 51 two-way vehicle trips in the PM peak. This is agreed.

Local Highway Network –

It has been successfully demonstrated that there is ample passing provision on Brook Street to accommodate the additional development trips.

Highway Capacity Assessment –

The junction capacity assessments included within this assessment are acceptable for use.

The Site Access junction is anticipated to operate well within capacity during the future assessment year scenario.

The Regal Lane/Fordham Road junction is anticipated to operate within capacity during the future assessment year scenarios.

The Highway Authority are satisfied with the assessment of development traffic at the A142/A1123/Fordham Road roundabout. Such assessment uses baseline turning count and modelling data obtained from planning application ref: 21/00291/OUM. It is noted the developer is willing to contribute £58,800 towards the A142/A1123/Fordham Road roundabout improvement scheme. Such contribution sum has been calculated by applying the methodology used to determine a contribution sum towards the roundabout improvement scheme submitted as part of planning application ref: 21/00291/OUM. This is agreed.

Mitigation –

The following mitigation proposed to be delivered by the developer is acceptable:

- Widen the footway on Staples Lane between Brook Street and Fordham Road to a minimum 2m in width
- Welcome Travel Packs
- S106 monetary contribution of £58,800 towards the A142/Fordham Road/A1123 roundabout improvement scheme

Conclusion –

The Highway Authority do not object to the proposals subject to the following:

Condition

1. Prior to first occupation, the developer shall widen the existing footway on the western side of Staples Lane between Brook Street and Fordham Road to a minimum 2m in width as shown indicatively in drawing nos.C-602 Rev P02 and C-603 Rev P02. Details to be submitted to and approved by the Local Planning Authority and works to be carried out by the developer.

2. Prior to first occupation, the developer shall be responsible for the provision and implementation of Welcome Travel Packs to be agreed in writing with the Local Planning Authority. The Welcome Travel Packs shall be provided to the first occupants of each residential dwelling.

S106

3. Prior to first occupation, the developer shall pay a S106 monetary sum of £58,800 (fifty eight thousand eight hundred pounds) to the County Council towards funding the delivery of the A142/Fordham Road/A1123 roundabout improvement scheme.

Waste Strategy (ECDC) - 23 August 2021

- 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).

- Units 39 to 43, 45 to 49, 50 to 52 and 56 to 59 would all be required to bring bins to the adopted highway unless the roadways are built to an adopted standard and a waiver is provided by the developer indemnifying ECDC for damage caused by collections.
- Given the scale of the open space on this site East Cambs would require a contribution from the developers to purchase 2 dog waste bins and 2 litter bins, alternatively the developers can provide bins on-site if preferred, please contact the waste team to confirm type required on-site.
- 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 two bins; this contribution is currently set at £52 per property.
- 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

Cambridgeshire Fire And Rescue Service - 19 August 2021

With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:
 Water & Planning Manager
 Community Fire Safety Group
 Hinchingsbrooke Cottage
 Brampton Road
 Huntingdon
 Cambs
 PE29 2NA

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access.

Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

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, the details of which can be found in the attached document.

Asset Information Definitive Map Team - 25 August 2021

The legal alignment of the public footpath is generally straight from the pathway between 93b and 95 Brook Street. The legal alignment of the public footpath appears to pass through a tree line/hedge line to the east of the walked line. The walked line crosses through a field approximately 10-15 metres to the west of the legal line to meet a footbridge approximately 6-7 metres to the west of the legal line of the public footpath. The 'existing PROW retained' on the illustrative Site Plan appears to show the walked route on the ground rather than the legal alignment which passes through trees. If the alignment shown on the illustrative Site plan (the walked line) is to be retained the legal alignment of Public Footpath No. 82, Soham will require diverting by an order under S.257 of the Town and Country Planning Act 1990.

The Design and Access statement and the illustrative Site Plan show that new footpath links will be provided as part of the development. It is not clear what the legal status of the proposed footpaths will be at this stage.

As the application will affect public rights of way, in the interests of the amenity and safety of the public I would request the following condition:

Prior to commencement of development, a rights of way access scheme shall be submitted to and approved by the local planning authority in consultation with the highway authority. Such scheme shall include provision for:

- the design of access and public rights of way routes and their surfacing, widths, gradients, landscaping and structures
- any proposals for diversion and closure of public rights of way and alternative route provision.

Asset Information Definitive Map Team - 6 February 2023

Thank you for consulting with the Definitive Map team at the County Council on the above planning application.

The proposed site is crossed by Public Footpath No.82, Soham. To view the location of the ROW please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>

The Definitive Map team refers to our previous response of the 25th of August, 2022, which remains pertinent.

The legal alignment of the public footpath is generally straight from the pathway between 93b and 95 Brook Street. The legal alignment of the public footpath appears to pass through a tree line/hedge line to the east of the walked line. The walked line crosses through a field approximately 10-15 metres to the west of the legal line to meet a footbridge approximately 6-7 metres to the west of the legal line of the public footpath. The 'existing PROW retained' on the Illustrative

Site Plan appears to show the walked route on the ground rather than the legal alignment which passes through trees.

If the alignment shown on the Illustrative Site plan (the walked line) is to be retained the legal alignment of Public Footpath No. 82, Soham will require diverting by an order under S.257 of the Town and Country Planning Act 1990. The Design and Access statement and the Illustrative Site Plan show that new footpath links will be provided as part of the development. It is not clear what the legal status of the proposed footpaths will be at this stage

In our previous response we set out our reasons for requesting the following condition:

- Prior to commencement of development, a rights of way access scheme shall be submitted to and approved by the local planning authority in consultation with the highway authority. Such scheme shall include provision for:
 - The design of access and public rights of way routes and their surfacing, widths, gradients, landscaping and structures
 - Any proposals for diversion and closure of public rights of way and alternative route provision

We still require the above rights of way access scheme, once this has been submitted we will be in touch with a further response.

Cambridgeshire Archaeology - 16 August 2021

Thank you for consulting us with regard to this planning application. Archaeological remains are present here as the results of a recent evaluation show. These are presented in interim format only just yet, but they are sufficient to indicate the scale of archaeological evidence found at the site. The trial trenching phase of investigation followed a geophysical survey that revealed only the latest phase of land use relating to the creation and expansion of paddocks at the north end of the site, closest to Soham Lode transport channel. The ditches, some deep to manage water in the locality, date to the 15th/16th century at the very earliest but are mainly contemporary with the development of trade and activity associated with the lode transport channel between the 17th and 19th centuries. More of these small enclosures can be seen extending northwest and west along Soham Lode as soil or parch marks on Figures 2, 3 & 5 of the Design and Access Statement.

The lack of resolution of any earlier archaeological evidence on the geophysical survey plot can be explained by the presence of deep buried soil horizons sealing, or through which the ditches and pits of Medieval domestic occupation and an earlier, Bronze Age, field system and associated features were dug. Their fills were so similar to the soil horizons that they remain undetectable by the magnetometry survey technique, yet they extended across the long western field, and the north parts of the other fields. A Bronze Age cremation burial in a round barrow was newly found in the northern field 'Area 2' on Figure 28 of the evaluation report. It is likely to have been part of the occupation phase in which the field system ditches were dug.

At the north end of the site, alluvial deposits from the overbank flooding of stream courses in the vicinity, and of the later Soham Lode, masked earlier

features and infilled 18th/19th century boundary ditches of the paddock system adjacent to the lode. In the south-east field, springs were found as evinced by large bowl shaped features of deep deposits with wet bases and organic lenses. Much older features, these did not show signs of localised overbank flooding, though may well have affected groundwater levels in different periods.

Recommendation

We do not object to development from proceeding in the area, as the archaeological evidence does not constitute remains of national importance and impacts of construction and change to the historic environment can be mitigated through a suitable programme of archaeological investigation, combining excavation, analysis and publication of the evidence, thus preserve the evidence by record.

It is evident that either by effort or coincidence the burial monument (barrow) may well be preserved in situ within the application site. We welcome and advise this. The landscape and parameter plans demonstrate that there will be little change, save some planting in the 'Area 2' field as this is due to become a linear park adjacent to Soham Lode. A figure contained in the Flood Risk Assessment ('EA HISTORICAL FLOOD MAP') indicates 'No Historical Flooding', though the archaeological evaluation has shown that this is not the case as alluvial deposits of past flooding events were present in Trenches 1-4 - roughly consistent with the <4m AOD ground elevation LIDAR map in Appendix B (35/43) of the FRA.

The DAS indicates that swales and SuDs solutions are planned, but it is not apparent where these might be placed. If I have overlooked this in the documents, I would be grateful for your help with locating this information. In the meantime, I advise that any such features should not be in the area of the Bronze Age barrow. This should be managed under grass, devoid of trees/shrubs, and the footpath shown should flow to the south of the location of the barrow.

A large deep former ditch perpendicular to the Lode shows on Figure 28 of the evaluation report and is shown on early edition OS maps. It is a visible presence in the ground, where its backfill has sunk. Evaluation trenches showed it was partly used as a 20thC rubbish dump and is filled with random hard core, demolition debris and general rubbish. This would be a useful feature to clean out and re-use in the SuDS strategy. I would welcome discussion with the applicant on this, as it would preserve something from the use of the site as a transport lode with associated lode-side paddocks.

We will recommend wording for a suitable standalone condition for the archaeological management of archaeological features to be preserved in the locality once more is known of the development plans.

A second archaeological condition should cover the archaeological programme recommended for the developable areas of the site. Again, once further contact has been made with the applicant and more of the design understood, this wording can be sent to you.

Cambridgeshire Archaeology - 10 December 2021

Thank you for reconsulting us with regard to the revised layout and additional documents supplied for this proposed residential development.

The northern extent of the built line will allow the preservation of the Bronze Age burial monument, and the Medieval boundaries and the lode-side Post-Medieval paddocks of 16th – 18th century date to remain relatively undisturbed. What is unknown is how any SuDS features might impact on the areas shown as landscaped on the north-eastern side of the development, fringing Soham Lode. Percolation tests or any such ground investigation tests should wholly avoid the area of the burial monument in Area 2 of the attached plan (Figure 28 of the archaeological evaluation report shown in the document list).

An archaeological investigation brief has been sent to the applicant. This includes an area greater than that which might be developed and this is because the SuDS design is not known (to me).

Further to the review and advice I supplied in August, I am supplying a further recommendation:

In designing the surface water drainage features and the final layout of the development, the applicant should be mindful of the presence of two relict spring heads, shown on the attached excerpt – also shown in Figure 28 of the archaeological evaluation report. The location of the two springs is shown in the south field – by Trenches 30 and 24. Although these prehistoric springs are infilled, it is likely that new foundations might be affected in these large soft filled features. The Applicant has a choice to alter the foundations following discussion with a structural engineer, or to avoid construction in those areas altogether. It is possible that they could be used as locations for the SuDS features – again, technical advice should be sought as to whether that is appropriate or not.

Cambridgeshire Archaeology - 3 August 2023

Further to our comments provided to your colleague 10/12/2021 (already uploaded to the planning portal, but re-attached here, for your convenience), we advise that the following condition wording be included on any consent that East Cambridgeshire District Council be minded to grant for this scheme, in order to secure the required programme of archaeological mitigation:

Archaeology Condition

No development shall commence until the applicant has implemented a programme of archaeological work that has been secured in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) The statement of archaeological significance and research objectives;
- b) The programme, methodology and timetable of fieldwork and public engagement, and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) Implementation of fieldwork;
- d) A Post-excavation Assessment report and Updated Project Design to be submitted within six months of the completion of fieldwork;

- e) An analytical archive report to be completed within two years of the completion of fieldwork and submission of a draft publication report (as necessary);
- f) Preparation of the physical and digital archaeological archives for deposition at accredited stores approved by the Local Planning Authority.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development and the continuation of the post-fieldwork components of the WSI.

Part e) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

Archaeological programmes of work are led by archaeological briefs issued by Cambridgeshire County Council's Historic Environment Team.

This condition is recommended for the both the Full and Outline elements of the hybrid scheme as the area identified for archaeological mitigation also overlaps the location of the replacement dwelling and access at no 81 Brook Street.

Please note, the Bronze Age ring-ditch/burial mound and cremation burial identified in the eastern part of the site (within the Outline area of the scheme) should be avoided by any development. As per previous comments issued 16/08/2021 this should be managed under grass in perpetuity, devoid of trees/shrubs, and the footpath shown on the most recent draft of the Illustrative Site Plan (018-034-001 P15) should be adjusted at submission of Full details for this element of the hybrid scheme to flow to the south of the location of the barrow. We can recommend wording for a suitable separate standalone condition for the archaeological management of this feature to be preserved at that stage.

C P R E - 9 December 2021

CPRE Cambridgeshire & Peterborough objects strongly to this application for the reasons given below.

1. Greenspace

East Fen Common is clearly a much-loved local green space which has the additional attraction of being bisected by Soham Lode. It is well used by local residents and is somewhere safe where adults and children can appreciate nature and, in particular, the mature hedgerows on the site. Because of the presence of Soham Lode, it also unusually rich in all kinds of wildlife.

The importance of greenspace on human physical and mental health is well recognised, and a landmark study by the World Health Organisation in 2016

confirmed this (WHO “Urban green spaces and health – A review of evidence”, 2016).

CPRE Cambridgeshire & Peterborough has produced local evidence on the topic (CPRE Cambridgeshire “Green Spaces Matter, Really, Really Matter”, Nov 2018), copy attached. Consequently, we consider that a multi-functional green space strategy integrating wellbeing, nature and climate should be in place and should carry substantial weight in decision-making about proposed developments.

Due to the ongoing pandemic many people remain working from home. For some this is temporary. However, it is becoming clear that for a significant proportion of working people this situation will either become permanent or part of flexible working arrangements. For many this has made, and will continue to make, access to greenspace during work breaks and at weekends even more important to their physical and mental health than it has been previously.

Publicly accessible greenspace is already under pressure in Soham because there has been significant development in the town over recent years and more has already been given planning approval.

The addition of further housing, much of it likely to be inhabited by people employed outside of Soham, will further increase the requirement for access to greenspace. This additional demand cannot be satisfied and will just add to the pressure on the reduced area that will remain.

CPRE would also draw the Council’s attention to their relationship with Natural Cambridgeshire. It is the “ambition” of Natural Cambridgeshire, supported by the Combined Authority, to “double nature” in Cambridgeshire. Natural Cambridgeshire have previously been successful in obtaining funding to secure the future of Cambridgeshire’s parks and green spaces and we suggest that such funding may be forthcoming to help secure the Soham Commons and their uniquely high level of bio-diversity so close to the town.

2. Landscape

The proposed site is set immediately between the existing Brook Street and the other areas of the Commons with the Soham Lode as part of the site boundary. The A142 main link road is well distanced from the site.

Looking at the landscape guidance of the 2015 Local Plan provides the following information. Policy

GROWTH 3: Infrastructure requirements, states

“Green infrastructure, leisure and open space

Strategic green infrastructure improvements as outlined in the Cambridgeshire Green Infrastructure Strategy, including the provision of Ely Country Park and Block Fen nature reserve, improvements to Soham Town Commons and the Ouse Corridor, and the Wicken Fen Vision.”

This development can hardly be described as such an improvement.

On page 101 of the Local Plan, **Soham Town Commons** is listed as one of several key strategic area projects of the District’s Strategic Green Infrastructure.

Paragraph 7.6.3 states: *“Development proposals which harm these and other strategic sites and networks will be resisted. Permission will only be granted in exceptional circumstances, where it can be demonstrated that the need for and benefits of development outweigh adverse impacts.”*

On the same page, Policy COM 5: Strategic green infrastructure, states:

“Proposals which would cause loss of or harm to existing strategic green infrastructure will not be permitted, unless the need for and benefits of the development demonstrably and substantially outweigh any adverse impacts on the green infrastructure.”

Furthermore item 8 of the Soham Vision in the Local Plan states:

“8. Protect and enhance the unique green setting of Soham, including the Commons, and green network/links.”

Soham, as one of the market towns of the District, is under pressure of development but this rural landscape so close to the old town and accessible to other developments is of high value because it is so important to local people for their health, well-being and sense of place. It is also a safe place because there is no need to cross the busy A142 by-pass in order to access it.

Developers always try and denigrate Fen landscapes as ‘flat’ or ‘boring’ but those who live here know better. It is not the Fen landscape that should be denigrated but densely packed developments without properly-sized gardens or living space, built for profit, that damage their very delicate and profoundly beautiful and environmentally rich surroundings.

The Council will be aware that Soham lies within the “Fens biosphere”, a wide area for which UNESCO designation is being sought by Cambridgeshire ACRE. It is CPRE’s opinion that retention of an area of varied landscape which is also an important wildlife site like the Soham Commons may help the case for the biosphere designation. Another modern housing estate certainly will not.

The applicant’s consultant in the document Landscape and Visual Impact Assessment (LVIA), paragraph 7.1.2, states:

“The Site itself contains some attributes that are representative of the local landscape character; however, the enclosure afforded by localised vegetation patterns, contrasts with openness of the wider landscape character in the fens to the east of the A142. As such, the more typically open rural characteristic features of the Fenlands lie to the east of the town, whereas in this location the town has a harsh urban edge, which is somewhat unsympathetic and influences the local character between the town edge and the A142. The Site is considered to have a Moderate to Low Susceptibility to the proposed scheme for residential development.”

This statement clearly demonstrates the author’s complete lack of understanding of the Fen landscape and its history.

Prior to drainage, Fen settlements such as Soham developed on ridges and islets amongst the wetlands. These were and are known locally as ‘highlands’. They were places of safety along the Fen transit routes where homes were built and livestock over-wintered, to be grazed on the wetlands in the summer.

The local vegetation pattern of small fields, close to the town where farms competed for space, is actually typical of such settlements and is not a “harsh urban edge” at all. The author clearly has a mindset that the flat, drained, former wetlands, with their much greater area are, alone, the “typical” landscapes of the Fens. This is not the case. Many of the most historically significant and ecologically diverse landscapes, because of their boundary hedgerows, are those close to Fen settlements. They are relatively small areas and therefore they should be valued most. Clearly, the author of the LVIA does not understand this.

3. Ecology

The applicant has undertaken a biodiversity assessment. This uses the Defra Biodiversity Metric 3.0. and seeks to claim a biodiversity net gain (BNG). It is becoming increasingly understood that such metrics are a flawed means of facilitating unsustainable development on greenspaces.

The global experience of Biodiversity Net Gain, reviewed by zu Ermgassen of DICE, University of Kent, is that it fails twice as often as it succeeds, even though it had the lower bar of No Net Loss, NNL, rather than BNG.

On site offsetting will not encourage many forms of wildlife and will be prone to the dog-fouling and trampling that harms many wildlife areas, even those remote from housing.

The BCN Wildlife Trust in its report recognises these effects, particularly on the East Fens Common County Wildlife Site. The Wildlife Trust then goes on to say that these effects could be mitigated by “*a proportionate financial contribution to the Soham Common access & biodiversity mitigation proposals*”.

CPRE completely disagrees with this statement. In CPRE’s view, no financial contribution can mitigate for the loss of an ecologically rich green space. The only thing it can mitigate is the income of those carrying out the ineffective mitigation measures.

The natural environment is our vital life support system and it is a dangerous delusion to imagine that it can be rendered easily into any economic framework (let alone the pre Dasgupta framework that gives GDP/GVA primacy over all other forms of stocks and yields).

Dasgupta defines wealth as the sum of natural, human and economic capitals and yields, and sustainability as the condition where this sum is either stable or increasing. Economic growth at the expense of natural capital and yields is therefore unsustainable.

4. Effect upon Surface Water & Flood Risk

The additional housing and infrastructure will increase water run-off, especially at times of intense rainfall and prolonged winter rainfall, both of which are becoming more frequent as a consequence of climate change. Globally, what were considered 1:100 years and 1:1000 years probability events are becoming more frequent, as we have seen in 2021 in Germany and several other countries. With local but equally devastating events around Huntingdon, St Neots, St Ives and in Peterborough.

Significant areas of the site are in Flood Zones 2 and 3. Local residents living near the site report regular local flooding with raw sewage rising in their streets. Some report that they can no longer obtain flood insurance, e.g. Greenhills, Staples Lane, East Fen Common and Brook Street. Local experience is not consistent with the bland statement that “*it can therefore be concluded that risk of surface water flooding is very low.*”

The applicant states he will deal with surface water run-off by means of Sustainable Drainage Systems. CPRE doubts very much that these systems in this flood plain, no matter how well modelled and designed, will be capable of coping with the steadily increasing intensity of rainfall or the rising ground water levels due to hydraulic pressure from sea level rise that are occurring.

The applicant states that there is low risk of tidal flooding because of distance from the coast and the height of the site at 5.0mtr AOD (Above Ordnance Datum / height relative to the average sea level at Newlyn, Cornwall). That may be the case currently. However, sea levels are rising and the rate of sea level rise is fast increasing.

Sea level in the Wash was rising at a rate of 3mm per year. In 2019 it was measured by the Environment Agency in the Wash and confirmed by the International Panel on Climate Change (IPCC) figures globally, that the annual rate was now 3.3mm per year.

In 2014, the IPCC report estimated a sea level rise of 1 metre by 2100.
In 2019, the IPCC increased this estimate to 1.1 metres by 2100.
In 2021, the IPCC has increased its estimate again, to 2.4 metres by 2100.

Meanwhile, the meteorological partnership Climate Central estimates a 4.7 metre sea level rise by 2100 if global temperatures rise by 2°C. Both the IPCC 2021 and the COP26 leadership have confirmed that the world is currently on track for a 2.4°C global temperature rise. CPRE considers that building on the Fens flood plain is extremely unwise given the current and growing pace of climate change and the tidal nature of the local rivers.

5. Wastewater Treatment

Anglian Water have stated in their response that:

*“The foul drainage from this development is in the catchment of Soham Water Recycling Centre which **currently does not have capacity to treat the flows [from] the development site.** Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.”*

What this actually means is that Anglian Water will be forced to use tankers to remove waste to other sites for treatment until such time as they are able to upgrade the Soham treatment plant. It also means that any excess surface water flooding into the treatment plant at times of heavy rainfall are likely to cause foul water overflows into local watercourses. Given the national underperformance of water companies to invest and tackle this issue it seems unwise to subject the citizens of Soham and the surrounding area to the increased risks of raw sewage pollution that this will cause.

CPRE would remind the Council that they have already been warned by the Environment Agency that they should not consider the effects of planning applications on wastewater treatment capacity singly but should consider the cumulative effects of multiple developments. This was in the letter to the council dated 16th April 2020, in respect of Planning Application Ref: 20/00424/OUM relating to a similar size of development in Wilburton.

6. Potable Water Supply

East Cambridgeshire is a seriously water stressed area. Ely and surrounding villages such as Little Thetford and Haddenham are already supplied by pipeline from Rutland Water.

In July 2021, DEFRA published the Environment Agency document titled “Water stressed areas – final classification 2021” which included the fact that the supply area of Anglian Water is one of serious water stress.

One of Anglian Water’s solutions to this problem is to build another pipeline to pump water from North Lincolnshire, which is also classified by the Environment Agency in the above report as a seriously water stressed area.

This is hardly a sustainable solution and so additional development should seriously consider the effect it will have on water demand.

7. Brownfield Land

Soham Commons are not a brownfield site. This site is very much a greenfield location nestling in a flood plain. Building on this site is therefore contrary to current Government policy as stated by the Prime Minister in his speech to the Conservative Party Conference on 6th Oct 2021:

“Though the beavers may sometimes build without local authority permission, you can also see how much room there is to build the homes that young families need in this country, not on green fields, not just jammed in the South East, but beautiful homes on brownfield sites in places where homes make sense.”

In its report “Recycling our land: state of brownfield 2021”, November 2021, CPRE has reviewed the brownfield registers of local authorities across the country. These show that there is space for 1.3 million homes on registered brownfield sites. We therefore welcome the Prime Minister’s change of policy direction, that brownfield development should come first.

Furthermore, in its report “Brownfield comes first - why brownfield development works”, March 2016, based upon research for CPRE by Glenigan, analysis of 1,040 development projects showed that brownfield sites are on average much quicker to deliver new homes. The report stated:

“Of the 580 completed projects by December 2015, it was found that both brownfield and greenfield sites took an average of 29 weeks to start after receiving planning permission. However, brownfield sites were then much quicker to develop once work had started: brownfield sites took an average of 63 weeks to be completed in comparison with 92 weeks for greenfield sites. Looking at the overall average timescales for both types of site from the granting of permission to completion, brownfield sites were developed more than half a year quicker (92 weeks against 121 weeks for greenfield). The finding that brownfield sites were faster from permission to completion was consistent for all site sizes.”

Not only is this application not consistent with government policy, it will also be slower and more environmentally costly because of its greenfield nature and location on a flood plain.

8. National Planning Policy Framework

It is CPRE’s belief that this proposal is contrary to national planning policy.

Paragraph 99, and paragraph 100 of the National Planning Policy Framework (NPPF) state:

“99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”

“100. The Local Green Space designation should only be used where the green space is:

- a) *in reasonably close proximity to the community it serves;*
- b) *demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) *local in character and is not an extensive tract of land.”*

Soham Commons appear to meet all the criteria for Local Green Space designation and CPRE urges the council to work with Soham Town Council and local residents to obtain such designation.

Paragraph 174 of the NPPF states:

“174. To protect and enhance biodiversity and geodiversity, plans should:

- a) *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁵⁶; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁵⁷; and*
- b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”*

It appears to CPRE that neither this proposal nor the Local Plan 2015 are consistent with this policy with respect to Soham Commons.

Conclusions

CPRE considers that this proposal represents an unacceptable loss of accessible green space within Soham which will have a seriously negative effect upon the well-being of the community.

CPRE is concerned that the full effects of changed working practices following the pandemic have not been considered in this proposal and questions whether the health and climate change implications of the additional commuting that this proposal may engender have been considered by the applicant.

CPRE considers there are serious landscape concerns arising from this proposal and is particularly worried by the effect upon residents wishing to enjoy the countryside and wildlife.

CPRE is concerned by the effect of this proposal on a site of historical landscape significance bordering the town of Soham.

CPRE is concerned that evaluation of the effect of this proposal on local ecology and protected species has been so dependent upon artificial, numerical methods that the true effect on local ecology has been completely missed.

CPRE is concerned that surface water management proposals may be inadequate due to the rapidly increasing effects of climate change.

CPRE considers that this proposal is not consistent with national planning policy as expressed in the National Planning Policy Framework.

CPRE requests refusal of this application.

Please note that our submission is in respect of the proposed development.

While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot

accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

Natural England - 24 August 2021

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Cambs Wildlife Trust - 30 September 2021

This professional ecological advice has been provided in accordance with the Service Level Agreement held with East Cambridgeshire District Council. I have reviewed the submitted documents including biodiversity report and landscape plans and have the following comments.

The biodiversity report appears to have undertaken appropriate surveys and properly covered on-site habitat and protected species issues. It has made appropriate recommendations for on-site mitigation and enhancement, which should be secured through the use of appropriate planning conditions, should the application be approved.

The applicants have also undertaken a biodiversity assessment, using the Defra Biodiversity Metric 3.0. This is an acceptable approach and the quality of the assessment is generally good, taking a reasonable and precautionary approach in most instances. I concur with the baseline habitats and hedgerow assessments, and also with the predicted hedgerows biodiversity units post development. However, the post development habitat creation assessment includes an error in assigning all the new habitats a strategic significance score. This is appropriate for the new habitats within the open spaces adjacent to the Soham Lode and opposite East Fen Common, including the grassland, orchard and scrub habitats, however, it is not appropriate for the urban habitats, which are replacing open countryside and should therefore not be considered strategically important. This necessary change reduces the predicted on-site biodiversity net gain from 11.5% to 9.35%. I have transposed the applicants biodiversity assessment for the habitats into the attached version of the Defra Metric to show these changes in a transparent way. Please share this with the applicants so that they can update and re-submit their own assessment.

Although this revised assessment shows a net gain slightly lower than 10%, it is close enough to 10% that I am confident that there is the potential to achieve a minimum 10% within the current layout, and therefore that the proposals accord with East Cambs DC planning policies, including Natural Environment SPD policy SPD.NE6.

The current layout provides for 28% of the site to be set out as open space, much of which is natural greenspace. Although this development is only 80 dwellings, it is part of a much larger potential allocation west of the Soham Lode and therefore it is appropriate that the proposals are considered in line with policy SPD.NE7 of the East Cambs Natural Environment SPD. This encourages all applications over 150 dwellings to provide a minimum of 20% of the development area as wildlife-rich habitat to support the Cambridgeshire Doubling Nature commitments. The current proposals meet this policy.

The one significant area of concern that I have with the submitted biodiversity report relates to the assessment of recreational impacts on designated nature conservation sites, and the alignment of the proposals with the Soham Commons policy SPD.NE4 in the Natural Environment SPD. The Appropriate Assessment uses the on-site provision of open space and connections to the surrounding footpath network as sufficient mitigation to address additional visits to the nearby designated European nature conservation sites including Wicken Fen and Devil's Dyke. However, the open spaces on-site are only about 1.4 Ha in size and do not in themselves provide the quantity or quality of open space to mitigate additional recreational pressures on the European sites. The inclusion of the footpath network and the adjacent common land of East Fen Common into the assessment does have the potential to provide the scope for additional recreational visits such as walking, running and dog walking, including for circular routes of between 2.5 Km and 5 Km. This then justifies the conclusion of no significant impacts on the European nature conservation sites. However, the ecological assessment then goes on to state that impacts on East Fen Common will be negligible (7.12- 7.13 and 10.8-10.12). I do not accept this conclusion, in looking at the local footpath network and the size of the on-site open spaces, it is clear that East Fen Common will become the main destination for recreational visits, including daily dog walking for the new residents on this development, in meeting the favoured daily exercise routes of 2.5 Km to 5 Km. **The development will therefore have an impact on East Fen Common CWS, through indirect recreational pressures and without additional mitigation, the proposals will be contrary to planning policies relating to protection of County Wildlife Sites and the Soham Commons.**

The Soham Commons Recreational and Biodiversity Enhancement Study identified a series of mitigation measures applicable to all major developments proposed in Soham. A suitable approach to mitigation, already adopted for other approved developments in Soham, would be for this development to make a proportionate contribution to the funding of the Soham Commons mitigation plan. Following the 2017 Soham Commons report, the Wildlife Trust prepared a draft charging schedule (already shared with ECDC) demonstrating how each potential development location could make a proportionate contribution to the funding of the identified mitigation measures. This was prepared in 2017, and so should be updated to take account of inflation. **With a proportionate financial contribution to the Soham Common access & biodiversity mitigation proposals, the impacts arising from this development could be adequately mitigated.**

Cambs Wildlife Trust - 10 December 2021

This professional ecological advice has been provided in accordance with the Service Level Agreement held with East Cambridgeshire District Council. I have reviewed the revised biodiversity report and updated biodiversity impact assessment (Defra Metric calculation) and have the following comments, which update our previous advice on 30th September 2021 only in relation to the biodiversity impact assessment and mitigation proposals in relation to the adjacent East Fen Common.

The applicants discussed their revised biodiversity impact assessment with me following my previous comments. I can confirm that the revised biodiversity impact assessment reflects my previous comments and our subsequent

discussions. I am therefore happy that the proposed biodiversity net gain is realistic and achievable and meets East Cambs biodiversity policy requirements.

I am also pleased that the applicant are now proposing to contribute towards the Soham Commons access and biodiversity enhancement project by way of mitigation for the recreational impacts on East Fen Common arising from this proposed development. I still disagree with their assessment that the on-site open spaces and connections to walking routes mean the impacts on East Fen Common would be negligible without mitigation, for the reasons set out in my original response. However, with the additional mitigation proposed, by way of making a financial contribution towards implementation of the recommendations in the Soham Commons access and biodiversity enhancement report, the impacts can be reduced to negligible. The proposals therefore now accord with the East Cambs Natural Environment SPD policy SPD.NE4.

I hope these comments are of help to you. If you have any queries regarding this advice, please don't hesitate to contact me.

ECDC Trees Team - 20 December 2021

The ecology report states that none of the hedges as Important Hedgerow under the Hedgerow Regulations, on the basis of too few woody species in relation to the numbers of associated features. Yet hedge H8 is located adjacent to a public footpath (paragraph 8 (a) of the Hedgerows Regulations 1997) includes at least 4 wood species (paragraph 8 (b) of the Hedgerows Regulations 1997) is does not include gaps that exceed 10% of the length of the hedge (paragraph 7 (4) (b) of the Hedgerows Regulations 1997) and the associated dry ditch is a feature of an important hedge (paragraph 7 (4) (g) of the Hedgerows Regulations 1997). The above would indicate that hedge H8 would be regarded as an Important Hedgerow under the Hedgerow Regulations 1997. As such this hedge should be given extra consideration within the layout of the site.

The submitted Arboricultural Impact Assessment (AIA) states that the proposed ingress into the rooting areas of trees T3, T5 and G10. In each case the level of excavation incursion is low and judged to be sustainable (with sufficient unaltered ground conditions to the RPA available to enable future root growth). Unfortunately no information is provided in support of this statement such as the percentage area of the root protection area to be lost or why a no dig solution could not be used instead of severing roots which should be a last option.

Tree T10 is indicated for removal as it is unsuitable for retention in the developed site yet its neighbouring tree T11 is to be retained despite it being recorded as being in a similar condition as both are said to have tight unions T10 stem unions and T11 basal union both trees have the same preliminary recommendation of no action monitor the only difference appears to be that T10 is larger and as such would require a larger root protection area.

Group G5 a linier group of Willow trees in poor condition but with the survey comment to coppice and pollard as required to make safe this group is identified for removal as unsuitable for retention in the developed site if it is possible to make these trees safe it would be possible to retain some if not all of these

typical fenland features, these trees can provide a significant biodiversity option and valuable habitat.

Group G7 which comprises of Norway Maple, Lime, Cherry (sp), Rowan and Birch (sp) is stated as requiring 'Reduce crown as required to provide 2.5m clearance to plot 76 and enable erection of scaffolding if trees of these species and age require pruning to provide room to undertake the development then there is not sufficient space to allow for their future growth potential especially with these species having potential mature heights of 12 to 20m with crown spread diameters of 8 to 18m with Rowan providing the smallest size and Norway Maple and Lime the largest. This is also a category B group so should be given greater consideration. This group is also likely to create significant shade on plot 76.

Plots 68 to 72 are likely to have shading issues as a result of trees T24-27 as they are large scale trees with plenty of future growth potential combined with the orientation of the properties, the shade will be on the rear gardens of the properties and over time will extend as far as the property itself the trees are 3x Common Limes and 1 Ash, common limes are also well known for their association with aphids who drop the sticky substance Honey Dew which can significantly restrict the use of the garden space. Ash despite an uncertain future are also known for their prevalence to self-seed and drop small dead twigs which are not desirable characteristics for a domestic garden.

Trees T15 and T16 both Sycamores are within 3rd party ownership these are large species of trees (up to 20m in height) that create dense shade as well as their association with aphids who drop the sticky substance Honey Dew, so there is likely to be future conflicts over light and mess in the gardens of plots 32 to 36 which are likely to lead to undue pressures on the tree owners to allow unsuitable pruning to the trees or requests for their total removal.

Will the 'dry ditch' adjacent to H8 be filled in or dug out to be incorporated into the SUDS scheme? A increase in soil levels can be detrimental to the health of woody plants excessive/unsympathetic clearance of a ditch will sever roots potentially effecting the stability and health of the woody plants.

The landscaping strategy plan indicates a density of street planting that could be unsustainable due to the proximity to buildings and parking areas but as the plan is indicative with no details provided it is not possible to assess its suitability at this stage.

The use of trees that are native to the locality should be included for planting in the open spaces areas such as Willows. Guidance for the design of SUDS states that SUDS including attenuation ponds should look to create new habitats enhancing nature conservation and amenity space. The use of native willow trees should be considered as part of the design as they have an important ecological role that relates to their affiliation with wetlands such as found in fenland areas. Willows have a high wildlife value, providing rich habitat and food for a diverse range of organisms. There is evidence of up to 450 species of insect associated with Willows. Willows aid fast stabilization of chemically degraded land surfaces and the re-establishment of a biologically active soil can be achieved using Willow species, which possess the major

requirements for plant survival in environmentally disrupted areas such as development sites.

Tolerance of soil chemical contamination is an important requirement for survival in many situations and Willow trees potential can be emphasized by the fact that, of the seven most important metal contaminants in soil, Willow has been reported to have tolerance to at least four (cadmium, copper, zinc, lead). Willows' ability to sequester heavy metals and other contaminants in their root systems, halting their circulation within the environment, can be of great practical use when dealing with water runoff. Willows dense root system and high transpiration rates provide efficient control of soil water and high filtering capacity for pollutants, along with continuous growth of some species during the whole growing season, create an efficient dehydration plant that locks up the pollutants. The fast growth of willow can sequester more carbon than softwoods within a single growing season which could prove invaluable in the pursuit of being carbon neutral. The size of the tree can be easily managed by pollarding or coppicing. The cutting rotation cycle depends on species and growing conditions, and ranges from 3-5 years. Pollarding/Coppicing, minimizes wind damage, enhances branching appearance of willows and supports a higher density of breeding birds.

As part of the soft landscaping scheme a Hedgerow and Woodland/tree Management and Creation Scheme should be produced and submitted for approval. The Woodland Management and Creation Scheme (hereafter referred to as HWMCS) is required to contain details on the following:

- 1) The areas of woodland and hedgerows to be retained and/or enhanced;
- 2) Areas where new woodland planting including public open spaces planting and hedgerows will be established;
- 3) The methodology for the establishment of new areas of native woodland, public open spaces planting and hedgerows;
- 4) Management of existing and proposed woodland, public open spaces planting and hedgerows to enhance their amenity and ecological value;
- 5) Details of responsibility for the future management of the woodland areas, public open spaces and hedgerows.
- 6) Details to cover a period of no less than 20 years or until decommission of the development"

ECDC Trees Team - 12 July 2022

The additional information and design alterations have sufficiently dealt with most of my concerns and comments made previously. The only area of concern remaining relates to tree T15 and T16 as although these trees have been assessed as being category C trees they are owned by a 3rd party not associated with the development and failure to consider/mitigate for the impact on these trees could be viewed as negligent on the councils part. These are large species of trees (up to 20m potential height) that create dense shade, so there is still likely to be future conflicts over light and mess in the gardens of plots 32 to 36 which are likely to lead to pressure on the tree owners to allow/undertake unsuitable pruning to the trees combined with requests for their total removal. The undertaking by the owners of the new properties of their common law rights and reducing the trees overhanging parts back to the boundary could significantly effect the trees stability and health increasing their

risk of failure could be a consequence of the tree not being suitably considered at the design stage.

Housing Section - 23 August 2021

The Strategic Housing Team supports this Hybrid application in principle as it will deliver up to 80 dwellings (including 16 affordable dwellings) in order to meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 20% affordable housing on site.

Developers will be encouraged to bring forward proposals which will secure the affordable housing tenure as recommended by the most up to date SHMA at 77% rented and 23% intermediate housing.

I note within the Design and Access Statement that the developer intends to deliver the affordable dwellings as 4 x 1 bed flat, 6 x 2 bed house and 6 x 3 bed house, however the council has an increased need for larger affordable family accommodation and therefore we would like to see the provision of some 4 bed affordable dwellings on site to help meet this growing need. Further discussions with the developer regarding this would be appreciated, in order to make sure that the affordable housing mix delivered meets the housing needs for Soham and the East Cambridgeshire area.

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. Please see link: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf

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

1. That 20% 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 no more than 15 affordable dwellings are clustered in one parcel as this will help to create a balanced and sustainable community.

8. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
9. That occupation will be in accordance with a nomination agreement.
10. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

Housing Section - 20 December 2021

The Strategic Housing Team has no further comments to make with regards to the amended plans submitted.

Technical Officer Access - 20 August 2021

1. A very small area of shared surface in the centre of the site. Shared surfaces for pedestrians and cars are not suitable for pedestrians, especially children, those in wheelchairs, people with learning difficulties, the visually impaired and guide dogs.
2. Positively 13 visitor car parking spaces counted, which are in small clusters and spread throughout the site. They all could be used as accessible parking spaces as they all are sideways to the road. The jeopardy is the person would be exiting the vehicle into the road. Preferably dedicated accessible parking spaces to be provided. They do not work for wheelchair access if the person enters the vehicle from the rear.
3. Consider traffic calming measures and tactile paving to indicate safe crossing points on estate roads.

Design Out Crime Officers - 20 August 2021

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering Soham South Ward for the last 2 years. While we have seen some reduction in most crime types during the lockdown periods through 2020, I would consider this to be an area of low risk to the vulnerability to crime at present. Relevant crimes recorded during the above period:

- 14 x dwelling burglary (plus 1 attempt)
- 15 x vehicle crime (11 theft from and 4 theft of)
- 2 x cycle thefts
- 52 x criminal damage offences
- 68 x public order offences
- 7 x drug offences

This generally appears to be an acceptable layout in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbour's properties with many of the homes facing each other and some overlooking open space areas. Pedestrian and vehicle routes are aligned together and overlooked suggesting that pedestrian safety has been considered, which should encourage some level of territoriality amongst residents within small blocks. Most of the vehicle parking is in-curtilage between and to the sides of properties and garages, with one small parking court for the flats. Most of the homes have back to back protected rear gardens which

reduces the risk and vulnerability to crime and have been provided with the potential for some defensible space to their front.

There is no mention in the design and access statement of security or crime prevention measures, it is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for residents and visitors.

It would appear that some measures have been considered. I do however have the following comments: -

- Footpaths to the side/rear of terraced homes - While it would be preferable to see storage for bins and cycles to the front, if this cannot be achieved and footpaths are necessary for access to the rear gardens they should be gated as close as possible to the front building line, shared gates should be fitted with self-closers, private gates fitted with self-closers and be lockable from both sides.
- It would be good to see an external lighting plan (adoptable and private) including calculations and lux levels when available. For the safety of people and their property our recommendation is that all adopted and un-adopted roads, private and shared drives and parking areas should be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. 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. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn bulkhead LED lights.
- Footpath to the front of plots 36 - 43, this should be as straight as possible, lit within the lighting plan and landscape maintained to ensure that planting and hedges are kept to a height of 1m - 1.2m and tree crowns raised to 2m to ensure good visibility and surveillance and reduce any hiding places. This will help to reduce the fear of crime, which is likely to encourage footfall. This in turn can increase natural and community surveillance, a feeling of safety and further deter criminal activity.
- It would be good to see the boundary treatments and what provision there will be for cycle security.
- The LEAP is to the North of the development with hardly any surveillance from homes, if it is to remain at this location my previous recommendation regarding landscape maintenance will also apply here.

Building Control - East Cambridgeshire District Council - 28 February 2022

Although this appears to be in the early stages and details may not be finalised it appears the energy statement confirms 20% reduction in CO2.

NHS England - 23 August 2021

Construction of 80 new homes public open space and associated infrastructure at Land to Rear Of 81 - 111 Brook Street Soham Cambridgeshire

1. I refer to your consultation letter on the above planning application and advise that, following a review of the applicants' submission the following comments are with regard to the primary healthcare provision on behalf of Cambridgeshire and Peterborough Clinical Commissioning Group (CCG).

Background

2. The proposal comprises a development of up to 80 residential dwellings, which is likely to have an impact on 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

3. There is 1 x GP practices within a 2km radius of the proposed development, Staploe Medical Centre. 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.

4. This development is not of a size and nature that would attract a specific Section 106 planning obligation. However, the level of planned population growth in this area means that the relocation of Staploe Medical Centre into a new build medical centre is proposed in order to increase the capacity and service provisions for the local community and meet the demand from the population growth.

Therefore, a proportion of the required funding for the provision of increased capacity by way of the new build medical centre for Staploe Medical Centre, servicing the residents of this development, would be sought from the CIL contributions collected by the District Council.

5. Although, due to the unknown quantities associated with CIL, it is difficult to identify an exact allocation of funding, it is anticipated that any CIL funds received as a result of this development will be utilised toward the new build medical centre for the above mentioned surgery.

6. 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.

7. 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.

Conservation Officer – 16 August 2023

The site is remote from any designated heritage assets and a setting impact assessment under Historic England's GPA3 would not be proportionate. However the conclusions of Liz Lake Associates' LVIA can be extrapolated to heritage and I would concur with their general view the scheme will not have any adverse impact on the setting of any designated heritage assets (principally the parish church of St Andrew).

Ward Councillors -

No Comments Received.

Consultee for Other Wards in Parish -

No Comments Received.

Cambridge Ramblers Association -

No Comments Received.

Minerals and Waste Development Control Team -

No Comments Received.

5.2 A site notice was displayed near the site on 1 September 2021 and a press advert was published in the Cambridge Evening News on 19 August 2021.

5.3 Neighbours – 73 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Principle of Development

- The proposal does not meet the requirements of Local Policy regarding the development on land off Brook Street
- No masterplan has been submitted for the development
- The location is unsuitable for the proposed development
- Recognise the need for housing, however there are more suitable locations
- There are large amounts of development in Soham and further housing is not needed
- Infrastructure is required to support any additional housing
- The site is located on land allocated for housing but this does not constitute permission. The proposal should therefore be assessed on its merits

Visual Amenity

- Impacts of the proposal on the character of the landscape
- Cumulative impacts of development in the area on the street scene and landscape
- Loss of undisturbed green space and erosion of the open countryside
- Concern regarding the type/design of housing and loss of identity for Soham
- Encouraged to see the amount of green space, cycle routes and public footpaths
- One of the few remaining wild areas near Soham. Green space is part of the towns character and history
- Impact on the Conservation Area
- Impact on the rural character of the town
- Loss of views onto and from the Common
- Impact of the proposal on the Common
- Existing dwelling is an eyesore however the proposed development is too much
- Overdevelopment of the area
- There are a number of footpaths that need to be protected

- Concern to some of the findings within the Landscape and Visual Impact Assessment

Residential Amenity

- Loss of light to existing properties
- Overlooking into existing properties
- Overbearing impacts
- Single storey dwellings would be more appropriate to prevent loss of privacy

Highway Safety

- Increased traffic from the proposal and other recent development in Soham
- Impact on local and wider road network
- Roads leading to the site are unsuitable for increased traffic
- Concern regarding suitability of access roads for construction traffic
- Increased risk to children and pedestrians
- Disruption to existing parking and access to properties during construction. Already affected by other developments being built in Soham.
- If the application is permitted, parking should be provided for construction vehicles
- Highway and infrastructure upgrades required before more development can be accommodated
- Concern regarding insufficient parking for the development
- Access into the town is limited and difficult for vehicles larger than cars
- Development would need to have a residents parking scheme, cycling storage and a 20mph speed limit to reduce car dependence, eliminate on street parking, improve road safety and encourage walking and cycling into the town
- Concerns over the location of the site access
- Insufficient cycle infrastructure between the site and the centre of Soham

Flood risk and drainage

- The site is located within a flood zone
- Raising land levels would increase flooding in other areas
- The site is located on a flood plain
- High water table causes regular flood issues
- Insurance costs for existing and future residents
- Existing flood and drainage issues on and around the site would be worsened
- Concern over future flood risk
- Impacts on water supply
- The Sequential Test should be reapplied and the Exception Test re-evaluated
- The amended information does not address concerns raised by the Environment Agency
- Flood issues during the construction of the Felix Court Estate
- The Lode is dredged by the Environment Agency every year to prevent flooding. New houses will prevent this and introduce additional surface run off
- Insufficient waste water and sewage treatment infrastructure as existing. Additional housing should not be built until this has been addressed
- Waste and polluted water should be banned from entering the waterways

- Additional hardstanding will increase flood risk on the site and other localities
- Potential for subsidence for the new houses
- The creation of a new access would result in flooding in the locality

Biodiversity

- An array of wildlife uses the land and river currently
- Loss of green land and impact on wildlife and planting
- Existing development has impacted on trees and wildlife
- Nesting swans on the site. It is illegal to disrupt nesting birds
- Concern regarding sustainability of tree planting and provision of Biodiversity Net Gain
- Encouraged that mature trees on the development boundary would be retained but concerned as to who would be responsible for maintenance
- Existing trees have been left to grow and currently overhang neighbours. Would like to see these reduced in height and pruned and would like to know who will be responsible for the future upkeep
- Concerned that the submitted Ecological Assessment does not address the full extent of wildlife in this area. Findings contradict some wildlife which has been seen in this area

Services

- Strain on existing services and facilities
- Not enough services for the amount of housing. More services are required to accommodate the growth in the area
- Additional parking required in Soham Town Centre to accommodate growth
- The provision of the required services for the development could result in the loss of further green space

Other matters

- Increased fly tipping and incorrect waste disposal
- Increased noise from additional dwellings
- Noise and disruption during construction
- Increase in light pollution
- Demolishing the existing dwelling is unsustainable
- Loss of existing open space and impact on the community
- Importance of access to green space recognised for wellbeing and leisure
- The site layout suggests it will not prevent people walking along the river
- If this is private land, additional walking routes would be gained
- If the application is permitted it will lead to further development on the wider site
- Preservation of green space is important with the increasing population
- Too much development in the area
- Should be protecting the environment in response to climate change and global pandemic

6.0 THE PLANNING POLICY CONTEXT

East Cambridgeshire Local Plan 2015

SOH1	Housing Allocation, land off Brook Street
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 11	Conservation areas
ENV12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 4	New Community Facilities
COM 7	Transport impact
COM 8	Parking provision

Supplementary Planning Documents

- Developer Contributions and Planning Obligations
- Design Guide
- Contaminated Land
- Flood and Water
- Natural Environment
- Climate Change

National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 9 Promoting sustainable transport
- 5 Delivering a sufficient supply of homes
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

Other Relevant Policies

Cambridgeshire and Peterborough Minerals and Waste Local Plan

7.0 PLANNING COMMENTS

- 7.1 The application is assessed in accordance with the development plan which comprises the East Cambridgeshire Local Plan 2015. Also relevant are the associated Supplementary Planning Documents, the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.

7.2 The main considerations of this application are the principle of development, visual amenity, residential amenity, traffic and transportation, parking provision, biodiversity and ecology and water management.

7.3 The application seeks full planning permission for the demolition and replacement of 81 Brook Street and access to the wider site, and outline planning permission for up to 80 dwellings including affordable housing, public open space and associated infrastructure. As the application is hybrid, the following committee report will be laid out to address both elements of the proposal separately for clarity.

8.0 FULL PLANNING PERMISSION – REPLACEMENT DWELLING AND ACCESS

8.1 Principle of Development

8.2 Policy GROWTH 2 of the East Cambridgeshire 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.

8.3 The application site is located wholly within the defined development envelope of Soham and the principle of development is therefore considered compliant with the locational strategy and acceptable, providing that the proposal complies with all other relevant policies within the Local Plan.

8.4 Residential Amenity

8.5 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. Paragraph 130(f) of the NPPF specifically requires development to create places that promote health and wellbeing with a high standard of amenity for future users.

8.6 The proposed replacement bungalow would be positioned to the rear of the existing dwellings fronting Brook Street, and given its single storey nature, would not be considered to create any overlooking to any nearby neighbouring dwellings. The proposed dwelling is positioned a sufficient distance from nearby dwellings so as to prevent any overbearing or overshadowing impacts.

8.7 It is considered that future occupiers of the proposed dwelling would have a good standard of amenity, benefiting from a private garden of appropriate size and well-proportioned rooms.

8.8 The site access would be positioned in place of 81 Brook Street and would run between residential dwellings. It is acknowledged that there may be some increase in vehicle noise in the vicinity of the access which may affect the amenity of residents. However, given the distance to the adjacent properties it is considered unlikely that the noise impacts would be significantly greater than already

experienced, in a heavily residential area where the movement of vehicles is frequent. It should also be noted that Environmental Health have not raised any concerns in regard to noise or light pollution from the operation of the development.

- 8.9 Environmental Health have requested construction hours are restricted and that a Construction Environmental Management Plan (CEMP) is submitted regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. These matters can be secured by way of condition.
- 8.10 On balance it is considered that the proposal would be acceptable in terms of residential amenity, and that there would be no significantly detrimental impacts such that would warrant refusal of the application.
- 8.11 Visual Impacts
- 8.12 Paragraphs 130 and 134 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. The NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 8.13 Policy ENV 1 requires applications to ensure that they 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. The policy sets out that development proposals should respect the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal. The policy requires proposals to take account of settlement edges, the space between settlements, and the wider landscape setting, as well as the visually sensitive natural skylines of the area. The policy also requires proposals to take account of the unspoilt nature and tranquillity of the area and the nocturnal character.
- 8.14 Policy ENV 2 requires applications to ensure that their location, layout, form, scale, massing and materials are sympathetic to the surrounding area by making efficient use of land and respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area. This policy seeks to retain existing important landscaping and natural and historic features, and expects proposals to include landscape enhancement schemes.
- 8.15 The proposed replacement dwelling is of a modest design and appearance, with a single storey scale and simple features. The proposal would be visible within the streetscene, but would be set back from Brook Street meaning that its street presence would be limited. The proposed replacement dwelling is not considered to be detrimental to the character of the area, which features a variety of dwelling styles. The final palette of materials can be secured by way of condition to ensure that this compliments the character of the area. The introduction of the proposed access would not appear at odds with the character of Brook Street.

- 8.16 The details of boundary treatments for the dwelling can be secured by way of condition to ensure that these are complimentary to the character of the area. A scheme of soft landscaping may also be conditioned which provides the details for planting for the access and the dwelling.
- 8.17 It is considered that with the appropriate conditions appended to secure detail, the proposal complies with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, and the provisions of the NPPF.
- 8.18 Highway Safety
- 8.19 Policy ENV2 of the East Cambridgeshire Local Plan 2015 sets out that development proposals will be required to incorporate the highway and access principles contained in Policy COM7 of the Local Plan 2015 to ensure minimisation of conflict between vehicles, pedestrians and cyclists; safe and convenient access for people with disabilities, good access to public transport, permeability to pedestrian and cycle routes; and protection of rights of way. Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 require proposals to provide safe and convenient access to the highway network. Paragraph 110b of the NPPF seeks to ensure “safe and suitable access to the site can be achieved for all users”. Paragraph 104c of the NPPF sets out that “opportunities to promote walking, cycling and public transport use are identified and pursued” and that “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”
- 8.20 The replacement dwelling would benefit from a double garage and driveway with sufficient space available for the parking of two vehicles. The proposal also includes a turning head to allow vehicles turn and exit the site in a forward gear. The proposal is considered to comply with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8.21 The site access would comprise a priority T-junction at 5.5m wide, with 2m wide footpaths either side. The Local Highways Authority has reviewed the access proposals and following amendments throughout the application process, has no objections to the proposed access. The proposals have also been reviewed by the Cambridgeshire County Council Transport Assessment Team. The Transport Assessment Team have confirmed that following amendments, they have no objection to the proposals. They have requested conditions which secure the widening of the existing footway on the western side of Staples Lane between Brook Street and Fordham Road to a minimum 2m in width. They have also requested a condition regarding Welcome Travel Packs. They have set out that the developer shall pay a monetary sum of £58,800 to the County Council towards the A142/Fordham Road/A1123 roundabout improvement scheme, and this can be secured within the S106 Legal Agreement.
- 8.22 The proposal is considered to be compliant with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and the provisions of the NPPF.

8.23 Flood Risk & Drainage

8.24 Paragraph 6.9.1 of the East Cambridgeshire Local Plan 2015 is clear that “flood risk is an important issue for the district, particularly given the topography of the area and the context of climate change with related sea-level rises and increased incidents of heavy rainfall”. The Cambridgeshire Flood and Water SPD sets out that the general approach to flood risk and planning is that development should be directed to the areas at the lowest risk of flooding. Policy ENV8 of the Local Plan 2015 sets out that all developments should contribute to an overall flood risk reduction and that the sequential and exception test will be strictly applied across the district. It sets out that development should normally be located in Flood Zone 1. The policy states that development will not be permitted where it would:

- Intensify the risk of flooding during the lifetime of the development taking into account climate change allowances, unless suitable flood management and mitigations measures can be agreed and implemented.
- Increase the risk of flooding of properties elsewhere during the lifetime of the development, taking into account climate change allowances, by additional surface water run-off or impeding the flow or storage of flood water.
- It would have a detrimental effect on existing flood defences or inhibit flood control and maintenance work.
- Where the risk of flooding would cause an unacceptable risk to safety.
- Safe access is not achievable from/to the development during times of flooding, taking into account climate change allowances.

8.25 The application site is located within flood zones 1, 2 and 3, and varies across the site. The site is allocated as part of a wider residential allocation within the East Cambridgeshire Local Plan 2015 (SOH1). The application site itself is a smaller parcel of this allocation. As the site is allocated it has passed the sequential test in so far as development has been accepted on this site. The indicative layouts provided by the developer indicate that the site can be sensitively laid out to ensure that development is directed towards areas of the site at lower risk of flooding, with areas of open space directed toward flood zones 2 and 3.

8.26 The full element of the application seeks permission for the site access and the replacement dwelling. This is located within flood zone 1 and is therefore considered to be acceptable.

8.27 Conditions may be appended to any grant of permission to secure the submission of appropriate drainage strategies for the wider site. This element of the application is therefore considered to comply with policy ENV8 of the East Cambridgeshire Local Plan 2015 and the provisions of the NPPF.

8.28 Ecology

8.29 Policy ENV7 of the East Cambridgeshire Local Plan 2015 recognises the importance of environments such as trees, wetlands, hedgerows, woodlands and ponds which provide habitats, corridors and links for wildlife, and are part of an essential network for the survival and diversity of species. Paragraph 174 of the NPPF advises that development proposals should minimise impacts on biodiversity

and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 goes on to advise that development should be supported where the primary objective is to conserve or enhance biodiversity. It goes on to advise that opportunities to incorporate biodiversity improvements in and around developments should be encouraged.

- 8.30 Policy NE6 of the Natural Environment SPD sets out that all development proposals must provide clear and robust evidence setting out:
- information about the steps taken, or to be taken, to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat
 - the pre-development biodiversity value of the onsite habitat based on an up to date survey and ideally using the Defra metric,
 - the post-development biodiversity value of the onsite habitat ideally using the Defra metric; and
 - the ongoing management strategy for any proposals.
- 8.31 The applicant has submitted an ecological assessment alongside the application. the assessment notes that the site comprises four fields of improved sward. There are nine lengths of hedgerow which qualify as priority Hedgerow Habitat of Principal Importance but are not Important Hedgerows under the Hedgerow Regulations. The assessment notes that there is potential for foraging bats on site and that the reptile survey recorded a singleton grass snakes which are likely to be from a core population off-site, but that there are no suitable hibernation areas present. The assessment highlights that nesting birds and swallows are likely.
- 8.32 The assessment makes a number of recommendations for mitigation and enhancement, and concludes that the scheme will impact habitats of lower ecological value, and species impacts will not be at the population level. Biodiversity Net Gain will be achieved via the provision of high quality habitats within open space, with a calculated gain of +12.6% for habitats and +11.5% for hedges. The Wildlife Trust have been consulted as part of the application and have advised that they are satisfied that the proposed biodiversity net gain is realistic and achievable and meets East Cambridgeshire biodiversity policy requirements. They note that the applicant proposes to contribute towards the Soham Commons access and biodiversity enhancement project by way of mitigation for the recreational impacts on East Fen Common arising from the development. They advise that with the additional mitigation proposed, by way of making a financial contribution towards implementation of the recommendations in the Soham Commons access and biodiversity enhancement report, the impacts on East Fen Common can be reduced to negligible.
- 8.33 It is therefore considered that with the appropriate conditions appended to secure that the development is carried out in strict accordance with the ecology assessment submitted, and that a scheme of biodiversity enhancement is submitted, that the proposal complies with policy ENV7 of the East Cambridgeshire Local Plan 2015, the Natural Environment SPD, and the provisions of the NPPF.

8.34 Sustainability

8.35 East Cambridgeshire District Council (ECDC) declared a Climate Emergency at its Full Council meeting on 17 October 2019. ECDC has joined over 200 Councils around the UK in declaring such an emergency. In declaring a Climate Emergency, the Council committed to producing an Environment Plan, which it subsequently did so (adopted June 2020). One action within that Plan was to prepare a Climate Change Supplementary Planning Document (SPD). The SPD has become a material consideration for the purpose of determining planning applications, though the starting point for determining planning applications remains the East Cambridgeshire Local Plan (2015). Policy ENV4 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” and that “applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.” In addition, the NPPF places high importance on addressing climate change in plan making and decision taking. Policy CC1 of the Climate Change SPD sets out that applicants could demonstrate their approach to:

- a. Minimising demand for energy through design;
- b. Maximising energy efficiency through design;
- c. Carbon dioxide reduction achieved through items a and b above, and through incorporation of renewable and low carbon energy sources;
- d. Water efficiency (including whether, for residential development, the design intends to voluntarily incorporate the Part G Building Regulations option of estimated water consumption set at no more than 110 litres per person per day, rather than the standard 125l/p/d);
- e. Site waste management;
- f. Use of materials (such as low carbon-embodied materials); and
- g. Adaptability of the building, as the climate continues to change.

8.36 No information has been supplied by the applicant in relation to the replacement dwelling, however for this particular element of the scheme it is not considered that such a failure would warrant refusal on this criterion.

8.37 Other Matters

8.38 Archaeological investigation has already been carried out at the site and the applicant has been in discussions with the Historic Environment Team regarding the findings. The Historic Environment Team raise no objection to development of the site, but recommend further conditions, which can be appended to any grant of permission.

8.39 With regard to contamination, a Phase 1 Desk Study and Preliminary Risk Assessment report has been submitted which has been reviewed by the Council’s Scientific Officer. They note that although most of the site is generally at low risk from contamination the report recommends that a Phase II investigation is carried out. Conditions are recommended which can be appended to any grant of permission.

8.40 Summary

8.41 On balance, the proposal for full planning permission for the site access and replacement dwelling is considered to be acceptable. The principle of development is accepted, and the proposal would cause no significantly detrimental impacts in terms of residential amenity or visual impacts on the character and appearance of the area. The proposed development could be appropriately conditioned to ensure that no significant impacts arise from construction, and that appropriate ecological enhancements are provided.

9.0 **OUTLINE PLANNING PERMISSION – UP TO 80 DWELLINGS (INCLUDING AFFORDABLE HOUSING) PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE- ALL MATTERS RESERVED EXCEPT ACCESS**

9.1 Principle of Development

9.2 Policy GROWTH 2 of the East Cambridgeshire 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.

9.3 The application site is located wholly within the defined development envelope of Soham and is therefore considered compliant with the locational strategy set out within Policy GROWTH2 of the East Cambridgeshire Local Plan 2015. In addition, the site is part of a wider site allocated for residential development in the East Cambridgeshire Local Plan 2015.

9.4 Policy SOH1 allocates approximately 22ha (54 acres) for residential development of up to 400 dwellings. The policy sets out that development proposals will be expected to:

- Provide an element of affordable housing (currently 30%) as required under Policy HOU 3.
- Provide a mix of dwelling types and sizes to reflect current evidence of need within Soham, including provision for a minimum of 5% of self-build properties.
- Provide approximately 8 hectares of public open space on-site, including land for provision of at least 2 play areas.
- Maximise opportunities to provide an attractive riverside frontage alongside the Lode and brook, which incorporates public open space, landscaping and appropriate orientation of buildings.
- Have particular regard to the layout and the scale, height, design and massing of buildings, and landscaping, in order to minimise visual harm to the adjacent Commons area and County Wildlife Site, and to provide views of St. Andrews Church.
- Provide a new and enhanced pedestrian and cycle link to the town centre, via a new bridge link over the drain close to Brook Dam Lane.

- Provide a new pedestrian and cycle link to the adjacent Commons to the north, via a new bridge link over the Lode at a suitable point to the rear of 10-22 East Fen Common. Will also require upgrades to the existing footpath between this point and Paddock Street.
- Provide a pedestrian and cycle link across the site along the length of the Lode frontage, which links at the southern end across County Wildlife Site 55 to the existing footbridge to the Commons.
- Provide a pedestrian and cycle link across the site to Greenhills.
- Protect and enhance County Wildlife Site 55 – particularly the section west of the Lode.
- Demonstrate that the flood risk on the site can be adequately mitigated.
- Demonstrate, through a Transport Assessment, that the site can be safely accessed by vehicles and that impacts on nearby roads can be adequately mitigated through traffic calming or other highways improvements.
- Provide safe vehicular access from at least one point off Brook Street, with an additional access point provided for emergency vehicles if only one main access point is provided.
- Provide high speed broadband, and a proportion of homes that are suitable for homeworking.
- Demonstrate there is adequate capacity in the sewage treatment works and the foul sewerage network.
- Provide appropriate evidence of the archaeological potential and significance of the site prior to the submission of a planning application; and
- Comply with the other policies of the Local Plan

9.5 The application site comprises part of the wider allocation site. The land falling within the allocation has several different land owners. As only part of the site is brought forward under the current application, it is not possible to fully masterplan the whole allocation. As such, the applicant has provided a number of illustrative drawings and plans to demonstrate that the current application would not prejudice the wider allocation. It is considered that the applicant has adequately demonstrated that additional access points to the site could be considered, and that the aims of the allocation policy could still be achieved. Therefore, it is not considered that the lack of a formal masterplan for the whole allocation would warrant refusal of the application.

9.6 Returning to the points within the allocation policy, the proposal provides an element of affordable housing as well as 5% self-build plots. Open space and a play area is also proposed on the site. The illustrative plans indicate that the areas toward the Lode would be landscaped, green areas with footpaths to provide an attractive riverside frontage in accordance with the SOH1 policy.

9.7 The elements of the SOH1 policy which relate to new pedestrian and cycle links to Brook Dam Lane, East Fen Common and Greenhills would not relate to this particular application, as the application site does not include the parts of the allocation where these links would be required.

9.8 Extensive information has been submitted in relation to ecology and biodiversity, which is discussed in section 9.43 – 9.48 of this report. The S106 also secures contributions toward the Soham Commons.

- 9.9 The applicant has satisfactorily demonstrated that flood risk on the site can be adequately mitigated, and this is discussed fully in section 9.49 – 9.58 of this report. Additionally, there are no objections from statutory consultees in relation to foul sewerage.
- 9.10 The application is supported by a Transport Assessment which has been considered by the Local Highways Authority and the Cambridgeshire County Council Transport Assessment Team. There are no objections from these consultees. The proposal would also secure via S106 the widening of the footway on Staples Lane between Brook Street and Fordham Road to a minimum of 2m in width, as well as a financial contribution of £58,000 towards the A142/ Fordham Road / A1123 roundabout improvement scheme.
- 9.11 Archaeological investigation has already been carried out at the site and the applicant has been in discussions with the Historic Environment Team regarding the findings. The Historic Environment Team raise no objection to development of the site, but recommend further conditions, which can be appended to any grant of permission.
- 9.12 The principle of development has been carefully considered and is concluded to be acceptable, subject to compliance with other relevant policies within the East Cambridgeshire Local Plan 2015.
- 9.13 Affordable Housing & Self-Build
- 9.14 Policy HOU3 of the Local Plan 2015 sets out that all new open market housing developments which incorporate more than 10 dwellings will be required to make appropriate provision for an element of affordable housing; A minimum of 30% of the total number of dwellings to be provided will be sought in the north of the district, and the policy explains that Soham, for the purpose of the policy, is within the north. The policy also sets out that the proportion and type of affordable housing will be the subject of negotiation with applicants. The precise mix in terms of tenure and house sizes of affordable housing within a scheme will be determined by local circumstances at the time of planning permission, including latest national policy requirements, housing need, development costs and the availability of subsidy.
- 9.15 The applicant proposes 20% affordable housing which would be secured via the S106 legal agreement. The proposal would not be strictly policy compliant, which would weigh against the proposal, but not significantly so given that the Council recognises through its Viability Assessment Information report prepared by Dixon-Searle Partnership in April 2019 which sets out (para 3.3.25) that in respect of Soham, it is considered “appropriate that the targets should be challenging but for the towns of Littleport and Soham a 20% headline (potentially subject to potential revision upwards with starter homes or similar included) would represent an appropriate amended scenario.” Given the viability evidence, the proposed affordable housing is considered to be acceptable.
- 9.16 Policy HOU 1 sets out that developments of 100 or more dwellings will be expected to provide a minimum of 5% self build properties. The inclusion of self build properties on smaller sites will also be encouraged. The S106 will ensure that that 5% of the total number of dwellings will be marketed/offered as self build plots in

line with the Custom and Self-Build Housing SPD. While the proposal is for up to 80 dwellings, policy SOH1 of the East Cambridgeshire Local Plan 2015 sets out that proposals will provide a minimum of 5% self-build plots. The proposal therefore includes 5% of self-build plots which would be secured via the S106 legal agreement.

9.17 Education & Library Contributions

9.18 Cambridgeshire County Council have reviewed the application and requested that education contributions are secured by way of the S106 legal agreement. As the application is in outline stage, contributions are based on dwelling size and tenure, and are to be calculated once the detailed design of the site is known. The S106 will also include the payment triggers.

9.19 The S106 legal agreement will also include contributions of £172.90 per dwelling toward the library and lifelong learning service.

9.20 Residential Amenity

9.21 Policy 130(f) of the NPPF specifically requires development to create places that promote health and wellbeing with a high standard of amenity for future users. 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 occupiers of new buildings, especially dwellings, and that future occupiers enjoy high standards of amenity.

9.22 The application site is bounded to the south by the rear boundaries of the properties fronting Brook Street. The change of use of the site to residential development will cause changes to the area in terms of outlook and there may also be some impact from increased noise and traffic movement from the site. However, this is not considered to be significant such that planning permission should be refused on that basis. Indicative site plans have been submitted alongside the application to show how the site could be laid out. The indicative plans show that appropriate separation distances and orientations could be achieved in order to prevent impacts such as overbearing, overshadowing and overlooking.

9.23 It is considered that any impact on residential amenity could be adequately mitigated at the detailed design stage, with consideration given to adequate separation distances to existing properties and appropriate heights of the proposed dwellings, in line with the requirements of the Design Guide. Particular attention to the garden sizes, scale of properties, separation distances and plot orientations will be required to ensure no adverse impacts in relation to overlooking, overshadowing, and buildings being overbearing.

9.24 Impacts such as noise and disturbance from construction works could be controlled through the inclusion of conditions which restrict the construction hours, and the requirement for a Construction Environmental Management Plan (CEMP) to be submitted prior to any development commencing on site.

9.25 The applicant has submitted a Noise Impact Assessment which has been read by Environmental Health. The assessment concludes that the site will achieve the

relaxed target levels for noise with a partially open window. Environmental Health have no concerns to raise with regard the noise impact assessment. Environmental Health have requested conditions are appended to any grant of permission that require the details of any ground piling to be submitted prior to commencement in order to ensure that any impacts on amenity are fully considered. They have requested 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.

- 9.26 The details of this application (appearance, layout, scale and landscaping) would be considered at a reserved matters stage, however, it is considered that an appropriately designed scheme could be brought forward which prevents detrimental impacts to the amenity of neighbouring occupiers and ensures high standards of amenity for future occupiers, in accordance with policy ENV2 of the Local Plan 2015 and the NPPF.
- 9.27 Visual Amenity
- 9.28 Paragraph 130 and 134 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. The NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.29 Policy HOU2 of the East Cambridgeshire Local Plan 2015 requires new development to have respect for and be informed by the character and density of the surrounding area, and take account of on-site constraints, including landscape features, neighbouring properties, availability of car parking and any heritage assets that may influence how or if a site should be developed.
- 9.30 Policy ENV 1 requires applications to ensure that they 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. The policy sets out that development proposals should respect the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal. The policy requires proposals to take account of settlement edges, the space between settlements, and the wider landscape setting, as well as the visually sensitive natural skylines of the area. The policy also requires proposals to take account of the unspoilt nature and tranquillity of the area and the nocturnal character.
- 9.31 Policy ENV 2 requires applications to ensure that their location, layout, form, scale, massing and materials are sympathetic to the surrounding area by making efficient use of land and respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area. This policy seeks to retain existing important landscaping and natural and historic features, and expects proposals to include landscape enhancement schemes.

- 9.32 This element of the application is in outline form, with all matters reserved apart from access. While the detailed design of the proposal is unknown at this stage, the applicant has submitted a number of illustrative plans and drawings which indicate how the site may possibly be laid out at a design stage.
- 9.33 The application site comprises farmland and is part of a wider site allocated for residential development in the East Cambridgeshire Local Plan 2015 (SOH1). Brook Street runs from north-west to south-east of the site and Greenhills lies to the south-east of the site. The rear garden boundaries of properties fronting Brook Street adjoin the application site boundary. The remaining boundaries of the application site are bordered by agricultural land, with Commons land to the north. application site itself is approximately 5.01ha (12.3 acres) in area. Public footpath No.82 runs through the application site and links Brook Street to the Commons land. The site is well connected to the center of Soham.
- 9.34 There are a number of trees and hedges on the site at present, and the applicant has advised that it is intended to retain as much of the existing vegetation as possible, incorporating this into the landscaping for the site. While the detailed design is not under consideration at this stage, the illustrative plans submitted with the application show existing landscaping being incorporated within the site to create green corridors, and large areas of open space with walkways. The illustrative plans show development directed toward the existing built form of Soham, with green areas being located toward the Lode and the Commons. The applicant confirms that the site area is 5.01ha (12.3 acres), with approximately 1.91ha (4.71 acres) required for open space and 0.1ha (0.24 acres) set aside for the replacement dwelling. They confirm that the net residential area for up to 80 dwellings would result in a density of approximately 27 dwellings per hectare. The illustrative plans indicate that the existing PROW that crosses the site and links Brook Street to the Commons would be retained and enhanced. The illustrative plans show that site boundaries would be vegetated.
- 9.35 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared by Liz Lake Associates. The LVIA acknowledges that changes are inevitable in the context of delivering an allocation that accords with Local Plan policy. The LVIA notes that there are some attributes of the site which are reflective of the local landscape character, however the enclosure created by localised vegetation patterns contrasts with the openness of the wider landscape character of the fens, east of the A142. The LVIA notes that in this location, the town has a harsh urban edge which is unsympathetic. The LVIA concludes that the site is considered to have a moderate to low susceptibility to the proposed scheme for residential development. On balance, the LVIA considers that the proposal would have a limited effect on the landscape with the existing strongly defined boundaries largely retained and enhanced. The LVIA notes that this will result in a slight adverse effect initially which would reduce to negligible over time as the proposals establish. The LVIA sets out that the proposal will contribute to the landscape through a significant number of new features including the provision of woodland, trees and hedgerows which will fit in with the character of the location. The LVIA concludes that there would be a small number of visual effects but that these would be localised and limited in extent. Views of St Andrews Church tower from the Commons and the Lode's footpath will be unaffected, and the mitigation measures would ensure that the proposal becomes well integrated within the surroundings.

- 9.36 Consideration also needs to be given to the site's designation as an allocation for residential development within the East Cambridgeshire Local Plan 2015. The site is part of a wider allocation (SOH1), which comprises approximately 22ha (54.3 acres) of land. The application site occupies approximately 5.01ha (12.3 acres) of this allocation. The majority of the remainder of the allocation sits to the north-west of the site. It is considered that the illustrative plans submitted demonstrate that an acceptable scheme could be achieved, as a standalone scheme. Equally, it is considered that should the remainder of the allocation come forward in the future, that the site would not prejudice this visually.
- 9.37 It is considered that the illustrative drawings submitted indicate that sufficient space could be provided in order to accommodate high quality soft landscaping within the site, as well as to the site edges which could help to assimilate the development into its surroundings and soften the built form of the development. It is considered that at the detailed design stage an appropriate high-quality scheme could be submitted. The proposed development would be viewed against the backdrop of the built form of Soham. The Council's Tree's Officer have suggested conditions are applied in order to protect existing trees and hedgerows on site, and a management plan for ongoing maintenance is recommended. The Council's Conservation Officer has reviewed the proposals and advises that site is remote from any designated heritage assets and a setting impact assessment under Historic England's GPA3 would not be proportionate. They note that they concur with the LVIA view that the scheme will not have any adverse impact on the setting of any designated heritage assets (principally the parish church of St Andrew). The outline proposal is therefore considered to comply with policies HOU2, ENV1 and ENV2 of the Local Plan 2015, and the NPPF.
- 9.38 Highways
- 9.39 Policy ENV2 of the East Cambridgeshire Local Plan 2015 sets out that development proposals will be required to incorporate the highway and access principles contained in Policy COM7 of the Local Plan 2015 to ensure minimisation of conflict between vehicles, pedestrians and cyclists; safe and convenient access for people with disabilities, good access to public transport, permeability to pedestrian and cycle routes; and protection of rights of way. Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 require proposals to provide safe and convenient access to the highway network. Paragraph 110 b of the NPPF seeks to ensure "safe and suitable access to the site can be achieved for all users". Paragraph 104 c of the NPPF sets out that "opportunities to promote walking, cycling and public transport use are identified and pursued" and that "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes."
- 9.40 The application is submitted in hybrid form, with the site access being considered under the full planning permission element which has been discussed in section 8.18 – 8.22 of this report. The site access would comprise a priority T-junction at 5.5m wide, with 2m wide footpaths either side. The Local Highways Authority has reviewed the access proposals and following amendments throughout the application process, has no objections to the proposed access. The proposals have also been reviewed by the Cambridgeshire County Council Transport Assessment

Team. The Transport Assessment Team have confirmed that following amendments, they have no objection to the proposals. They have requested conditions which secure the widening of the existing footway on the western side of Staples Lane between Brook Street and Fordham Road to a minimum 2m in width. They have also requested a condition regarding Welcome Travel Packs. They have set out that the developer shall pay a monetary sum of £58,800 to the County Council towards the A142/Fordham Road/A1123 roundabout improvement scheme, and this can be secured within the S106 Legal Agreement. The proposal is considered to be compliant with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and the provisions of the NPPF.

- 9.41 Public footpath No 82 runs through the application site. The Asset Information Definitive Map Officer has reviewed the application and notes that the legal alignment of the public footpath is generally straight from the pathway between 93b and 95 Brook Street and appears to pass through a tree / hedge line to the east of the walked line. They note that the legal alignment differs from the walked line of the footpath. The note that the illustrative drawings state that the footpath will be retained, but have advised that if the walked line is the route which is to be retained it will require diverting by an order under S257 of the Town and Country Planning Act 1990. They have requested a condition to ensure that the appropriate process is carried out and that proposals are acceptable.
- 9.42 It is considered that at a reserved matters stage an appropriately designed scheme could be brought forward which satisfies the requirements of policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9.43 Ecology
- 9.44 Policy ENV7 of the East Cambridgeshire Local Plan 2015 recognises the importance of environments such as trees, wetlands, hedgerows, woodlands and ponds which provide habitats, corridors and links for wildlife, and are part of an essential network for the survival and diversity of species. Paragraph 174 of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 goes on to advise that development should be supported where the primary objective is to conserve or enhance biodiversity. It goes on to advise that opportunities to incorporate biodiversity improvements in and around developments should be encouraged.
- 9.45 Policy NE6 of the Natural Environment SPD sets out that all development proposals must provide clear and robust evidence setting out:
- information about the steps taken, or to be taken, to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat
 - the pre-development biodiversity value of the onsite habitat based on an up to date survey and ideally using the Defra metric,
 - the post-development biodiversity value of the onsite habitat ideally using the Defra metric; and
 - the ongoing management strategy for any proposals.

- 9.46 The applicant has submitted an ecological assessment alongside the application. The assessment notes that the site comprises four fields of improved sward. There are nine lengths of hedgerow which qualify as priority Hedgerow Habitat of Principal Importance but are not Important Hedgerows under the Hedgerow Regulations. The assessment notes that there is potential for foraging bats on site and that the reptile survey recorded a singleton grass snakes which are likely to be from a core population off-site, but that there are no suitable hibernation areas present. The assessment highlights that nesting birds and swallows are likely.
- 9.47 The assessment makes a number of recommendations for mitigation and enhancement, and concludes that the scheme will impact habitats of lower ecological value, and species impacts will not be at the population level. Biodiversity Net Gain will be achieved via the provision of high quality habitats within open space, with a calculated gain of +12.6% for habitats and +11.5% for hedges. The Wildlife Trust have been consulted as part of the application and have advised that they are satisfied that the proposed biodiversity net gain is realistic and achievable and meets East Cambridgeshire biodiversity policy requirements. They note that the applicant proposes to contribute towards the Soham Commons access and biodiversity enhancement project by way of mitigation for the recreational impacts on East Fen Common arising from the development. They advise that with the additional mitigation proposed, by way of making a financial contribution towards implementation of the recommendations in the Soham Commons access and biodiversity enhancement report, the impacts on East Fen Common can be reduced to negligible. Concern has been raised within a neighbour response that the ecological information submitted does not address the full extent of wildlife in the area, however the information has been reviewed by the Wildlife Trust who have not raised any issue in this regard. Concerns have also been raised in regard to disruption of protected species, however this would be covered under separate legislation.
- 9.48 It is therefore considered that with the appropriate conditions appended to secure that the development is carried out in strict accordance with the ecology assessment submitted, and that a scheme of biodiversity enhancement is submitted, that the proposal complies with policy ENV7 of the East Cambridgeshire Local Plan 2015, the Natural Environment SPD, and the provisions of the NPPF.
- 9.49 Flood Risk and Drainage
- 9.50 Paragraph 6.9.1 of the East Cambridgeshire Local Plan 2015 is clear that “flood risk is an important issue for the district, particularly given the topography of the area and the context of climate change with related sea-level rises and increased incidents of heavy rainfall”. The Cambridgeshire Flood and Water SPD sets out that the general approach to flood risk and planning is that development should be directed to the areas at the lowest risk of flooding. Policy ENV8 of the Local Plan 2015 sets out that all developments should contribute to an overall flood risk reduction and that the sequential and exception test will be strictly applied across the district. It sets out that development should normally be located in Flood Zone 1. The policy states that development will not be permitted where it would:
- Intensify the risk of flooding during the lifetime of the development taking into account climate change allowances, unless suitable flood management and mitigations measures can be agreed and implemented.

- Increase the risk of flooding of properties elsewhere during the lifetime of the development, taking into account climate change allowances, by additional surface water run-off or impeding the flow or storage of flood water.
- It would have a detrimental effect on existing flood defences or inhibit flood control and maintenance work.
- Where the risk of flooding would cause an unacceptable risk to safety.
- Safe access is not achievable from/to the development during times of flooding, taking into account climate change allowances.

9.51 The application site is located within flood zones 1, 2 and 3, and varies across the site. The site is allocated as part of a wider residential allocation within the East Cambridgeshire Local Plan 2015 (SOH1). The application site itself is a smaller parcel of this allocation. As the site is allocated it has passed the sequential test in so far as development has been accepted on this site. The indicative layouts provided by the developer indicate that the site can be sensitively laid out to ensure that development is directed towards areas of the site at lower risk of flooding, with areas of open space directed toward flood zones 2 and 3.

9.52 The applicant has submitted a flood risk assessment and drainage strategy as part of the application. The document notes that as part of the scheme part of the site will be raised. All new homes would be a minimum of 300mm above the flood zone 2 and 3 maximum flood level to ensure that homes are safe from flooding, including in the 1 in 100 year storm event and climate change. Site specific modelling has been carried out, including across the wider SOH1 allocation which demonstrates that all new homes will be located in areas with a low risk of flooding. The applicant sets out that there is a theoretical residual flood risk in respect of the areas of open space and green infrastructure adjacent to the lode in the event of a breach of flood defences but that this is mitigated by the requirement for ongoing maintenance of the flood defences. The applicant sets out that in terms of future responsibilities for maintenance of the watercourse, riparian responsibility will remain with a single entity, and will be determined by the S106 which sets out that that ownership will sit with either the Town Council, District Council or a management company. Regarding the ongoing access to flood defences, this would be fully assessed at a reserved matters stage when the detail and layout is assessed. It is considered that a scheme could be brought forward which provides appropriate ongoing access to the flood defences.

9.53 The Internal Drainage Board have been consulted regarding the application and have advised that the site is outside of the Middle Fen and Mere Internal Drainage Board, and therefore they have no comments to make regarding drainage.

9.54 Anglian Water note that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development boundary. Anglian Water notes that the foul drainage from the development would be within the catchment of Soham Water Recycling Centre (SWRC). They note that the SWRC currently does not have capacity to treat the flows from the development site, but that they are obligated to accept foul flows from the development and would take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted. Anglian Water note that they are aware of the

growth current underway and forecast in the in the Soham Water Recycling Centre catchment. They confirm that they do not require investment at the Soham Water Recycling Centre at present, and that this will be monitored.

- 9.55 The Environment Agency have reviewed the proposals and have advised that it remains their view that the most sustainable option for the realisation of the SOH1 allocation is through consideration of the whole site rather than piecemeal applications. They set out that the illustrative masterplan that has been submitted does not demonstrate that a sequential approach has been used in its design to avoid areas at risk of flooding and that building layouts restrict access to flood defences and the watercourse. They set out that the layout places the riparian responsibilities for maintaining the watercourse under multiple landowners. The wider SOH1 allocation falls under several land owners. The applicant has submitted a range of documents alongside the application in place of a formal masterplan, to demonstrate that the proposed development does not prejudice the deliverability of the remainder of the site in accordance with the aims of the SOH1 allocation; particularly that across the wider site, development could be directed away from areas of higher flood risk. The Local Planning Authority considers that this is acceptable and accepts that the applicant cannot bring forward a site-wide masterplan on land they do not control. The Environment Agency have requested a condition is appended to any grant of approval in order to secure ongoing access to flood defences, management of the residual risk of flooding and maintenance strategies. They advise that they are satisfied at this stage that the proposed development could be allowed in principle but that the applicant will need to provide further information. Conditions may be appended to any grant of permission to secure the required information.
- 9.56 While the comments from the Environment Agency are noted, they have raised no formal objection to the proposal and have advised that all concerns raised are focussed on flood risk issues outside of their remit and that in these cases they would not normally attend or directly contribute to appeals (Appendix 1 of Environment Agency consultation responses dated 13th June 2023). Therefore, these concerns would not warrant refusal of the application.
- 9.57 The Lead Local Flood Authority (LLFA) have reviewed the information submitted and raise no objection in principle to the proposal. They advise that the LLFA is satisfied that there is sufficient space available within the site for a suitable surface water drainage system to be implemented. They note that there are many positive elements from the existing surface water drainage strategy with has benefitted from pre-application engagement with the LLFA, including limiting surface water discharge from the site to greenfield rates. They recommend a condition is appended to any grant of permission to require a detailed design of surface water drainage based on the final design of the site.
- 9.58 In summary, there are no objections from statutory consultees relating to flood risk or drainage. It is considered that an appropriate scheme may be brought forward at reserved matters stage which adequately addresses flood risk and drainage matters. Conditions may be appended to any grant of permission to secure the submission of appropriate drainage strategies for the wider site. This element of the application is therefore considered to comply with policy ENV8 of the East Cambridgeshire Local Plan 2015 and the provisions of the NPPF

9.59 Sustainability

9.60 Policy ENV4 of the Local Plan 2015 sets out 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 policy requires that developments for 5 or more dwellings “are required to achieve Code for Sustainable Homes Level 4 (or its replacement pending implementation of the zero carbon homes requirement)”.

9.61 The Council’s Climate Change SPD sets out that applicants could demonstrate their approach to the following:

- a. Minimising demand for energy through design;
- b. Maximising energy efficiency through design;
- c. Carbon dioxide reduction achieved through items a and b above, and through incorporation of renewable and low carbon energy sources;
- d. Water efficiency (including whether, for residential development, the design intends to voluntarily incorporate the Part G Building Regulations option of estimated water consumption set at no more than 110 litres per person per day, rather than the standard 125l/p/d);
- e. Site waste management;
- f. Use of materials (such as low carbon-embodied materials); and
- g. Adaptability of the building, as the climate continues to change.

9.62 The applicant has included an Energy and Sustainability statement with the application. The report sets out that a number of the key considerations would be addressed through the application of Building Regulations standards and developer responsibility. Based on the information submitted at this stage, it is considered that an appropriate scheme could be submitted at detailed design stage which maximises energy efficiency and incorporates renewable or low carbon energy sources. Building Control have reviewed the information and have raised no objections. It is considered appropriate to append a condition to any grant of permission which requires that prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority.

9.63 Other Material Matters

9.64 Archaeological investigation has already been carried out at the site and the applicant has been in discussions with the Historic Environment Team regarding the findings. The Historic Environment Team raise no objection to development of the site, but recommend further conditions, which can be appended to any grant of permission.

9.65 With regard to contamination, a Phase 1 Desk Study and Preliminary Risk Assessment report has been submitted which has been reviewed by the Council’s Scientific Officer. They note that although most of the site is generally at low risk from contamination the report recommends that a Phase II investigation is carried

out. Conditions are recommended which can be appended to any grant of permission.

9.66 Other Matters

9.67 Concerns have been raised around the insurance costs for existing and new residents, however this is not a material planning consideration.

9.68 Neighbours have also raised concerns regarding subsidence of the new houses, however the construction of any dwellings would be agreed with Building Control at the appropriate stage. Additionally, concerns regarding fly tipping and incorrect waste disposal are not a material planning consideration.

9.69 Neighbours have raised concern that this development may lead to development on the wider site, however it should be noted that the wider site is allocated within the East Cambridgeshire Local Plan 2015 (SOH1) for residential develop of up to 400 dwellings.

9.70 Concerns have been raised around the loss of existing open space and its impact on the community, however it should be noted that while there is a public footpath running through the site, the land is privately owned.

9.71 It is noted that some positive comments have been received in relation to additional walking routes which would be provided by the development, as well as the retention of trees and hedges.

10.0 PLANNING BALANCE

10.1 The site is allocated within the East Cambridgeshire Local Plan 2015 and is wholly within the development envelope for Soham. It is considered that the principle of development is acceptable on this basis. The application would provide 20% affordable housing and 5% self-build properties.

10.2 It is considered that the outline application demonstrates that at a reserved matters stage an appropriately designed scheme could be brought forward which prevents detrimental impacts on the amenity of neighbouring occupiers and ensures a high standard of amenity for future users in accordance with policy ENV2 of the Local Plan 2015 and the NPPF. The LVIA submitted concludes that there would be no significantly detrimental visual impacts and that the proposal would have a limited effect on the landscape with the existing strongly defined boundaries largely retained and enhanced. The LVIA notes that this will result in a slight adverse effect initially which would reduce to negligible over time as the proposals establish. It is considered that it has been adequately demonstrated that a high-quality scheme could be brought forward which prevents significantly detrimental impacts on visual amenity, in accordance with policies HOU2, ENV1 and ENV2 of the Local Plan 2015, and the NPPF. The application proposes appropriate access arrangements and would secure financial contributions to local road infrastructure, and the proposal is considered at this stage to be compliant with policies ENV2, COM7 and COM8 of the Local Plan 2015. With regard to flood risk and drainage, the proposals have been reviewed by the relevant statutory consultees who confirm that there are no objections, and the proposal is therefore considered at

this stage to be compliant with policy ENV8 of the East Cambridgeshire Local Plan 2015, the Cambridgeshire Flood and Water SPD, and Chapter 14 of the NPPF. The Wildlife Trust are content that matters relating to ecology can be dealt with by way of an appropriately worded planning condition, and addressed at the reserved matters stage of the project.

11.0 COSTS

- 11.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 11.2 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.
- 11.3 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.
- 11.4 In this case members' attention is particularly drawn to the following points:
- Site is part of a wider allocation (SOH1) within the East Cambridgeshire Local Plan 2015.
 - No Statutory objections.

12.0 APPENDICES

- 12.1 Appendix 1- Recommended Conditions

Background Documents

21/01048/HYBM

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- Recommended Conditions

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

<u>Plan Reference</u>	<u>Version No</u>	<u>Date Received</u>
Arb Impact Assessment	Rev 2	25th March 2022
Ecological Assessment	NOV 21	22nd December 2021
Biodiversity Metric Spreadsheet	5.11.21	22nd November 2021
Flood Risk Assessment and Drainage Strategy		2nd August 2021
Hydraulic Modelling Report		2nd August 2021
018-019-100	P1	2nd August 2021
018-034-500	P2	2nd August 2021
C-601	P12	8th April 2022
C-602	P02	21st March 2022
C-603	P02	21st March 2022

- 1 Reason: To define the scope and extent of this permission.
- 2 FULL PLANNING PERMISSION FOR THE DEMOLITION OF 81 BROOK STREET AND PROVISION OF NEW SITE, REPLACEMENT BUNGALOW AND ACCESS:

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 laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those

elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Sustainable Drainage Strategy prepared by Waterco (ref: 12737-FRA & Drainage Strategy-03 dated July 2021) noting the above observations. and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- j) Full details of the maintenance/adoption of the surface water drainage system;
- k) Measures taken to prevent pollution of the receiving groundwater and/or surface water

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

- 3 Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be

incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

- 4 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 4 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.
- 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 No development shall commence until the applicant has implemented a programme of archaeological work that has been secured in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than under the provisions of the agreed WSI, which shall include:
 - a) The statement of archaeological significance and research objectives;
 - b) The programme, methodology and timetable of fieldwork and public engagement, and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c) Implementation of fieldwork;
 - d) A Post-excavation Assessment report and Updated Project Design to be submitted within six months of the completion of fieldwork;
 - e) An analytical archive report to be completed within two years of the completion of fieldwork and submission of a draft publication report (as necessary);
 - f) Preparation of the physical and digital archaeological archives for deposition at accredited stores approved by the Local Planning Authority.

- 6 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.
- 7 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.

- 7 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.
- 8 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 8 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.
- 9 Prior to the commencement of any development, the remediation scheme approved in Condition 9 above shall be implemented in accordance with the agreed timetable

of works and to the agreed specification. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

- 9 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.
- 10 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.
- 10 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.
- 11 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).
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 Prior to 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.

- 12 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 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 vehicular access, as shown on drawing C-601 Rev P12.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 14 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 15 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 drawing C-601 Rev 12 in writing by the Local Planning Authority.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2021, prepared by Waterco; and the following mitigation measures detailed within the FRA:

The proposed development platform will be set at 5.17m AOD or above to ensure that all properties, gardens and access roads are flood free during the 1% AEP plus 35% CC and 1% AEP plus 65% CC breach events.

Finished ground floor levels of properties will be set at a minimum of 5.459m AOD or 150mm above surrounding ground levels, whichever is highest. A minimum floor level of 5.459m AOD will provide 300mm freeboard above the 1% AEP plus 35% CC breach flood level.
- 16 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.
- 17 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 17 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 18 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include surfaces and boundary treatments. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 18 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) 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.
- 19 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 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.
- 20 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 OUTLINE PLANNING PERMISSION (ALL MATTERS RESERVED EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 80 NEW HOMES (INCLUDING AFFORDABLE HOUSING), PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE
- Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 21 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 22 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.

- 22 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 23 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Sustainable Drainage Strategy prepared by Waterco (ref: 12737-FRA & Drainage Strategy-03 dated July 2021) noting the above observations. and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- j) Full details of the maintenance/adoption of the surface water drainage system;
- k) Measures taken to prevent pollution of the receiving groundwater and/or surface water

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

- 23 Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.
- 24 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 24 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.
- 25 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.
- 25 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.
- 26 No development shall commence until the applicant has implemented a programme of archaeological work that has been secured in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than under the provisions of the agreed WSI, which shall include:
 - a) The statement of archaeological significance and research objectives;
 - b) The programme, methodology and timetable of fieldwork and public engagement, and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c) Implementation of fieldwork;
 - d) A Post-excavation Assessment report and Updated Project Design to be submitted within six months of the completion of fieldwork;

- e) An analytical archive report to be completed within two years of the completion of fieldwork and submission of a draft publication report (as necessary);
- f) Preparation of the physical and digital archaeological archives for deposition at accredited stores approved by the Local Planning Authority.
- 26 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.
- 27 Prior to the commencement of development, a scheme for the maintenance and management of the Bronze Age burial monument identified within the site and for the retention of public access to the monument shall be submitted to and approved in writing by the Local Planning Authority. The monument shall thereafter be maintained and managed and public access provided to it in accordance with the approved scheme in perpetuity.
- 27 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.
- 28 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.
- 28 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.
- 29 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human

health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 29 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.
- 30 Prior to the commencement of any development, the remediation scheme approved in Condition above shall be implemented in accordance with the agreed timetable of works and to the agreed specification. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 30 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.
- 31 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.
- 31 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.

- 32 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 under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 32 Reason: In the interests of highway safety, in accordance with COM7 and COM8 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.
- 33 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.
- 33 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 34 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on drawing C-601 Rev P12.
- 34 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 35 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 35 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 36 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 drawing C-601 Rev 12 in writing by the Local Planning Authority.
- 36 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 37 Prior to the first occupation of the 10th dwelling, where achievable the developer shall widen the existing footway on the western side of Staples Lane between Brook Street and Fordham Road to a minimum 2m in width as shown indicatively in drawing nos.C-602 Rev P02 and C-603 Rev P02. Details to be submitted to and approved by the Local Planning Authority and works to be carried out by the developer.

- 37 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 38 Prior to first occupation, the developer shall be responsible for the provision and implementation of Welcome Travel Packs to be agreed in writing with the Local Planning Authority. The Welcome Travel Packs shall be provided to the first occupants of each residential dwelling.
- 38 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 39 As part of the first reserved matters the development shall demonstrate how it complies with the Ecological Assessment prepared by Hopkins Ecology dated November 2021 and the scheme of biodiversity net gain contained. The submission shall include a timetable of works to implement the biodiversity net gain strategy, and shall be completed in accordance with that timetable.
- 39 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.
- 40 Prior to first occupation a scheme for the biodiversity net gain management and maintenance for a period of at least 30 years shall be submitted to and agreed in writing with the Local Planning Authority. The development shall comply with the agreed details.
- 40 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.
- 41 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2021, prepared by Waterco; and the following mitigation measures detailed within the FRA:
- The proposed development platform will be set at 5.17m AOD or above to ensure that all properties, gardens and access roads are flood free during the 1% AEP plus 35% CC and 1% AEP plus 65% CC breach events.
- Finished ground floor levels of properties will be set at a minimum of 5.459m AOD or 150mm above surrounding ground levels, whichever is highest. A minimum floor level of 5.459m AOD will provide 300mm freeboard above the 1% AEP plus 35% CC breach flood level.
- 41 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.
- 42 No development approved by this planning permission shall commence until such time as a scheme to ensure the following has been submitted to, and approved in writing by, the local planning authority:
- o Ensure ongoing access to the flood defences and watercourse.

- o Manage the residual risk of flooding from Soham Lode so that no properties would flood onsite and there will be no increase in risk of flooding now and in the future.
 - o Implement a long-term maintenance strategy for the Soham lode and the associated flood defences that are on site or adjacent to the site.
- 42 Reason: To ensure the structural integrity of existing flood defences thereby reducing the risk of flooding, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 43 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.
- 43 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.
- 44 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 44 Reason: The application has been assessed as acceptable and complying with policy ENV4 of the East Cambridgeshire Local Plan 2015 on this basis.
- 45 No development shall take place until a scheme to dispose of foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of any dwelling.
- 45 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 46 Prior to commencement of development, a rights of way access scheme shall be submitted to and approved by the Local Planning Authority in consultation with the highway authority. Such scheme shall include provision for:
- The design of access and public rights of way routes and their surfacing, widths, gradients, landscaping and structures
 - Any proposals for diversion and closure of public rights of way and alternative route provision
- 46 Reason: The application has been assessed as acceptable and complying with policy COM7 on this basis.
- 47 Prior to the commencement of development, the definitive line of the public rights of way shall be marked out on site.
- 47 Reason: The application has been assessed as acceptable and complying with policy COM7 on this basis.

- 48 As part of the soft landscaping scheme a Hedgerow and Woodland/tree Management and Creation Scheme should be submitted to and approved in writing by the Local Planning Authority. The Woodland Management and Creation Scheme (hereafter referred to as HWMCS) is required to contain details on the following:
- 1) The areas of woodland and hedgerows to be retained and/or enhanced;
 - 2) Areas where new woodland planting including public open spaces planting and hedgerows will be established;
 - 3) The methodology for the establishment of new areas of native woodland, public open spaces planting and hedgerows;
 - 4) Management of existing and proposed woodland, public open spaces planting and hedgerows to enhance their amenity and ecological value;
 - 5) Details of responsibility for the future management of the woodland areas, public open spaces and hedgerows.
 - 6) Details to cover a period of no less than 20 years or until decommission of the development
- 48 Reason: The application has been assessed as acceptable and complying with policy ENV7 on this basis.
- 49 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 49 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 50 No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

- 50 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 51 Prior to any occupation of the development, a scheme for the maintenance of the hard and soft landscaping for a minimum period of 10 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
- i) methods for the proposed maintenance regime;
 - ii) detailed schedule of maintenance works;
 - iii) details of who will be responsible for the continuing implementation
 - iv) details of any phasing arrangements
- 51 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 52 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 52 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 97 of the NPPF.

21/01600/FUL

Site West Of 7-10 Skylarks

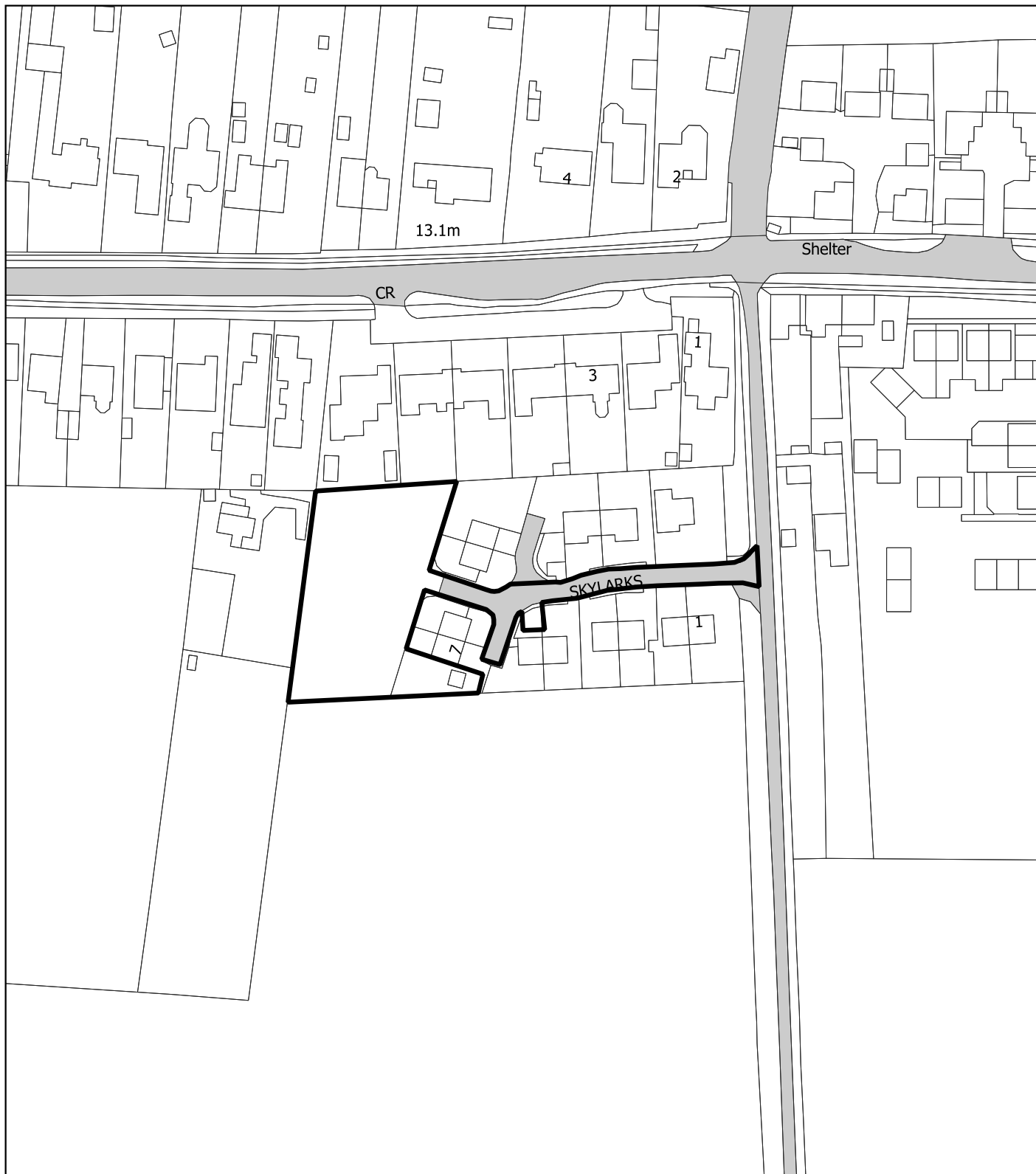
Witchford

4 x single storey affordable homes

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=R205UBGGHLT00>





21/01600/FUL

Site West Of 7-10
Skylarks
Witchford



East Cambridgeshire
District Council

Date: 14/08/2023
Scale: 1:1,500



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TITLE: 21/01600/FUL

Committee: Planning Committee

Date: 2 August 2023

Author: Planning Contractor

Report No: Y36

Contact Officer: Gavin Taylor, Planning Contractor
Gavin.Taylor@eastcamb.gov.uk
01353 616288
Room No 011 The Grange Ely

Site Address: Site West Of 7-10 Skylarks Witchford Cambridgeshire

Proposal: 4 x single storey affordable homes

Applicant: James Fauset

Parish: Witchford

Ward: Stretham

Ward Councillor/s: Bill Hunt
Caroline Shepherd

Date Received: 6 December 2021

Expiry Date: 11 September 2023

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application in accordance with the following terms;

1. The Committee delegates authority to finalise the terms and completion of the S.106 agreement to the Planning Manager;
and,
2. Following the completion of the S.106, application 21/01600/FUL be approved subject to conditions at Appendix 1 (and summarised below);
or,
3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the statutory determination period to enable the completion of the S106 Unilateral Undertaking.

1.2 Summary of Conditions

- 1 Approved Plans

- 2 Time Limit
- 3 Drainage strategy
- 4 Construction Drainage
- 5 Streets Management
- 6 Soft landscaping
- 7 Hedgerow management plan
- 8 Biodiversity enhancement
- 9 Lighting
- 10 Boundary Treatments
- 11 Materials
- 12 Energy and sustainability
- 13 Hard Landscaping
- 14 Binder Course
- 15 Tree protection
- 16 Construction times
- 17 Piling
- 18 Unsuspected contamination
- 19 M4(2) Standard

2.0 SUMMARY OF APPLICATION

- 2.1 Permission is sought for the construction of 4No. single-storey, affordable dwellings (2 to be affordable rent and 2 to be shared ownership), accessed via the existing Skylarks development and located along the western boundary of this development.
- 2.2 The dwellings proposed are single storey, semi-detached, 2-bedroom bungalows and each pair will measure approximately 20.2m (66.3') in length, 9.3m (30'.6") in depth and with a ridge height of 5.5m (18').
- 2.3 Each dwelling is served via driveway which accommodates 2 cars. The dwellings are proposed to be connected to the existing foul and surface water drainage infrastructure serving the Skylarks development.
- 2.4 The application has been called-in by the local ward member, Councillor Hunt.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

- 3.1 **19/01157/VARM**
To Vary Condition 1 (Plans) of previously approved 16/00849/FUM for Proposed development of 10 affordable houses & 3 bungalows (Re-submission of refused application 15/01325/FUM)
Approved 20 January 2020

19/01155/VARM

To Vary Condition 1 (Plans) of previously approved 16/00849/FUM for Proposed development of 10 affordable houses & 3 bungalows (Re-submission of refused application 15/01325/FUM)

Approved 17 January 2020

19/00500/FUL

Construction of 4no. two bedroom, single storey semi detached dwelling and minor re-siting of plots 7 and 8 of the scheme approved pursuant to 16/00849/FUM

Withdrawn 9 August 2019

16/00849/DISB

To discharge condition 13 (Boundary Treatments) on Decision 1.8.2017 for Proposed development of 10 affordable houses & 3 bungalows (Re-submission of refused application 15/01325/FUM)

Approved 13 August 2019

16/00849/DISA

To discharge conditions 3 (Wall & Roof Materials), 4 (Contamination), 6 (Archaeology), 9 (Traffic Management), 10 (Soft Landscaping), 11 (Soft Landscape Maintenance), 12 (Hard Landscaping), 13 (Boundary Treatment), 14 (Surface Water), 18 (Biodiversity) and 19 (Energy & Sustainability) on decision 1.8.17 for Proposed development of 10 affordable houses & 3 bungalows (Re-submission of refused application 15/01325/FUM)

Approved 27 March 2018

16/00849/FUM

Proposed development of 10 affordable houses & 3 bungalows (Re-submission of refused application 15/01325/FUM)

Approved 1 August 2017

15/01325/FUM

Proposed development of 14 affordable semi-detached houses (10 x 2-bed and 4 x 3-bed) including improvements to New Road

Refused 12 May 2016

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises a small parcel of land situated outside of the defined development boundary for Witchford. To the east of the site is residential development of 13 affordable dwellings (Skylarks) and to the south of the site is open countryside.
- 4.2 Along the western boundary of the site is a shallow ditch and mature hedgerow and a TPO tree, bordering onto the agricultural land to the rear of No.13. The northern boundary of the site abuts the rear boundaries of properties fronting Sutton Road.
- 4.3 Public Byway No.27/07 runs north to south to the east of the site and forms the point of access to the Skylarks estate from Sutton Road.

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.

Witchford Parish Council - 3 November 2022

5.2 Witchford Parish Council objects to this application. Ongoing drainage issues remain of concern; while on-site drainage may be adequate this feeds into an off-site ditch which has inadequate outflow, thus leading to flooding of adjacent properties. The site is outside the village development envelope as set out in the adopted Neighbourhood Plan. The proposed new dwellings are sited on the only remaining area of open space on the Skylarks development, thus removing the potential for using this area as play space for children on what is a development of family-sized homes.

Witchford Parish Council - 6 January 2022

5.3 Witchford Parish Council considered planning application 21/01600/FUL at its meeting on 5th January 2022. The Parish Council objects to this planning application on the following grounds. Firstly, the proposed development site is outside of the Witchford village development envelope as shown on Policy Map 6 and defined in Policy SS1 of the Witchford Neighbourhood Plan. The Witchford Neighbourhood Plan was made by East Cambridgeshire District Council on 21st May 2021 and as such forms part of the Development Plan for East Cambridgeshire and must be used when determining planning applications within Witchford.

The Parish Council is also of the view that the proposed development is not compliant with Witchford Neighbourhood Plan Policy H2 Affordable Housing on Rural Exception Sites. The Parish Council does not agree with the applicant's unsubstantiated assertion at paragraph 3.16 of the Planning Statement that the criteria for rural exception sites in WNP Policy H2 'are met in this case'. Rather, the proposal does not meet the requirements of that Policy, as set out below:

i) the current approved housing developments in Witchford already provide sufficient affordable housing to meet local need

ii) this application is not accompanied by an up to date housing survey nor does it demonstrate that there is an identified need for these dwellings. The assertion in paragraph 2.6 of the applicant's Affordable Housing Statement (also paragraph 2.3 of the Planning Statement) that there is a 'demonstrable need for [the dwellings] and [a] failure to meet that need in other nearby affordable housing schemes' is not supported by any evidence.

iii) the development would result in significant harm to the area surrounding the proposed development site, by exacerbating drainage problems affecting nearby residential properties which have become worse since the construction of 13 dwellings on adjacent land, by preventing access to the public drain for maintenance and repairs to the drain, by detrimentally impacting upon a protected ash tree (part of E/18/2000), and by detrimentally affecting a hedgerow which supports a population of bats.

Ward Councillors - 11 April 2023

5.4 I wish to go on record as requesting a "Call In" to Planning Committee if the officer recommendation is to approve this application.

Local Highways Authority - 14 December 2021

5.5 I do not object to this application. The proposed development will be accessed via the neighbouring site which is suitable design for the modest intensification which will result from these additional four dwellings. However, as the site will be accessed via a public right of way, I recommend that you consult with the County's Definitive Map officer for the area. For the avoidance of doubt, the proposed internal roads are not to CCC's adoptable standards so will need to remain in private ownership.

Please append the following conditions to any permission granted:

HW2A: 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 EDG/15/03/404 in writing by the Local Planning Authority.

HW23A: 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 under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Asset Information Definitive Map Team - 24 March 2022

5.6 I write to you in response to the consultation to build 4 single storey homes on land west of the Skylarks in Witchford.

Public Byway No.7, Witchford forms part of the access to the proposed development. To view the location of the byway please view our interactive mapping online which can be found at:

<http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>

Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public byway, its legal alignment and width which may differ from what is available on the ground. If the applicant requires a copy of the Definitive Map & Statement, this can be requested online for a fee at www.cambridgeshire.gov.uk/highwaysearches

Informatives

Should you be minded to grant planning permission then we would also be grateful that the following informatives are included:

- Public Byway 7, Witchford must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).

- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
- Members of the public on foot and horse have the right of passage along the public byway; vehicular users must be aware of these users and 'give way' to them

ECDC Housing Section - 7 November 2022

5.7

Thank you for informing us of the amendments to the above application. The Strategic Housing Team understands that this application relates to an exception site where 100% affordable housing, made up of 4 single-storey bungalows, is being proposed. We support this application in principle as we believe it will help meet the housing need for the area. We would, however, still recommend engaging with the parish council and Cambridgeshire Acre to complete a local housing needs survey to further evidence the local housing need.

For the units, 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. Due to the proposed nature of the site, I would also recommend Developers consider building the proposed bungalows to M4(2) accessible and adaptable standards.

Should consent be granted, I would request the affordable housing provision be secured by a s106 Agreement or Unilateral Undertaking. The agreement should contain the following:

1. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.
2. 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).
3. 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.
4. That the rent charged for the Affordable Rented properties will not exceed Local Housing Allowance rate for the equivalent property size.
5. 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.
6. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
7. That occupation will be in accordance with a nomination agreement.
8. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

ECDC Housing Section - 13 April 2022

- 5.8 Is the scheme above proposed as an exception site for local people of Witchford? If not then the affordable dwellings would be allocated to anybody with a connection to East Cambs and therefore I think we would find it hard not to justify a need.

If an exception site is proposed, then I would recommend based on the number of developments recently put forward in Witchford that the developer undertakes a local housing need study to support the evidence of need and this can be commissioned through Cambridgeshire Acre.

ECDC Trees Team – 21 November 2022

- 5.9 The submitted arboricultural demonstrates that the existing TPO'd tree and boundary hedge can be suitable protected during the development my only concern is the proposed works to the hedge as the report recommends that the hedge is faceup up hedge back to line of dry ditch it is unclear what this equates to.

I would propose that a measurable distance from a fixed point would be a clearer specification unlikely to be misinterpreted such as reduce hedge back to 1m from its centre line/boundary... this would enable access to the ditch for maintenance of it and of the hedge without removing so much of it that little of its biodiversity benefits and habitat potential would remain.

Subject to the confirmation of the hedge pruning specification there are no tree related objections to this proposal.

ECDC Trees Team - 27 January 2022

- 5.10 Due to the presence of trees in proximity to the development (Western Boundary) an Arboricultural Impact Assessment (AIA) is required prior to determination of the application. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels in accordance with BS 5837:2012 Trees in relation to demolition, design and construction - Recommendations.

The details of the soft landscaping scheme will need to be confirmed to aid the integration of the development into the surrounding landscape in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, this can be done by condition if required, details shall include:

- 1) A scaled plan showing existing vegetation, tree trunks & canopy details of trees retained & tree protection fences shall be identified on all plans, in accordance with BS 5837:2012, extracted from the Arboricultural Implications Assessment (AIA), to include all trees located within 10m of site boundaries.
- 2) Location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving

- b) tree pit design
- c) Proposed hard standing and boundary treatments.
- 3) A schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) Specifications for operations associated with plant establishment to include a programme for the timings of the landscape works and maintenance provided, to ensure successful establishment and survival of new planting and having regard to the timing of the commencement of any development.

The western boundary contains a ditch on the development side of the hedge which will need to be maintained and its presence will affect the amount of usable garden space available. The ditch would not be suitable for culverting due to the effect this could have on the adjacent woody vegetation.

Waste Strategy (ECDC) - 5 April 2022

5.11 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 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.
- 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 - 29 December 2021

5.12 Thank you for consulting me on the above proposal. No contamination assessment has been supplied with the application. However, the site is an extension of the previously consented Skylarks development and any contamination risks are likely to be very low. I recommend that a condition requiring site investigation, etc. is not required. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential).

Environmental Health - 10 December 2021

5.13 Thank you for consulting us on the above application.

We have commented on this site in the past for a similar proposal.

If [the contaminated land officer] wishes to make any comments he will respond separately.

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.

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

Lead Local Flood Authority - 29 June 2023

5.14

Thank you for your re-consultation.

We have reviewed the following documents:

- Flood Risk Response, GHBullard & Associates LLP, Ref: 099/2022/01/JAH

Based on these, and following discussions with the applicant, as Lead Local Flood Authority (LLFA) we can remove our objection to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving over all access and parking areas within the scheme. The proposed surface water network will connect into the existing network within Skylarks. The existing flow control will be upgraded to accommodate the additional flows from the further four dwellings to discharge water at a maximum rate of 5.5 l/s into the adjacent watercourse in all storms up to and including the 100-year storm, including a 40% allowance for climate change.

We request the following conditions are imposed:

Condition 1

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those

elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Flood Risk Response prepared by GHBullard & Associates LLP (ref: 099/2022/01/JAH) dated and shall also include:

- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- b) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- e) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- f) Full details of the maintenance/adoption of the surface water drainage system;

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

Condition 2

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

Informatives

OW Consent

Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment

Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/>

Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Riparian Ownership

The existing site has a watercourse along the western boundary. The proposed layout means several private gardens would abut the watercourses. This would lead to the watercourses being divided and maintained under riparian law by a relatively large number of land owners, as opposed to the single riparian owner in the current greenfield state. The LLFA is generally opposed to this approach, as the onus of maintenance is divided across future the land owners, meaning a lack of maintenance by one future resident may lead to flood issues to the wider site and surrounding land and property.

Lead Local Flood Authority - 13 December 2022

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

1. Volume Control

The proposals are to connect the drainage from the proposed impermeable areas into the existing surface water drainage network serving the existing dwellings. Whilst it is acknowledged that the discharge rate is being increased by the greenfield equivalent for this parcel, it must be clearly demonstrated that the proposals do not increase the volume of water discharged from the site.

2. Hydraulic Calculations

In accordance with the latest climate change peak rainfall intensity allowances, a climate change allowance should be incorporated into the surface water management scheme for the 3.3% annual exceedance probability rainfall event.

The site is within the Cam and Ely Ouse

Management Catchment and should be based on the lifetime of the development. Therefore should include a 35% climate change allowance on the 3.3% AEP hydraulic calculations.

Lead Local Flood Authority - 7 January 2022

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

1. No Surface Water Drainage Information

The applicant has not provided any information regarding the management of surface water from the four dwellings. As outlined in the Cambridgeshire Surface Water Planning Guidance document, for a full application the following should be included within the surface water strategy:

- i. Existing impermeable area
- ii. Proposed impermeable area / developable area (including an allowance for urban creep)
- iii. A description of site topography
- iv. A description of ground conditions (using site investigation where possible)
- v. Identification of any surface water flood risk
- vi. Existing site drainage arrangements
- vii. Proposed method of surface water disposal
- viii. Existing and proposed runoff rates (if discharging off-site)
- ix. Existing and proposed runoff volumes (if discharging off-site)
- x. Required volume of attenuation (m³ per m² of impermeable area)
- xi. Preliminary SuDS proposals
- xii. Infiltration test results in accordance with BRE365 (or second viable option for surface water disposal if testing hasn't yet been undertaken)
- xiii. Drainage layout drawing and supporting hydraulic calculations
- xiv. Details of proposed phasing

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

Anglian Water Services Ltd - 16 December 2021

5.17 Thank you for your email consultation on the planning application.

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

5.18 **Cambs Wildlife Trust - No Comments Received**

5.19 **CCC Growth & Development - No Comments Received**

5.20 A site notice was displayed near the site on 16 December 2021 and a press advert was published in the Cambridge Evening News on 16 December 2021.

5.21 Neighbours – 24 neighbouring properties were notified and the responses received from all contributors are summarised below. A full copy of the responses is available on the Council's website.

- No demonstration of need

- The land should be a play area
- Impact on TPO trees and hedge
- Increased flooding and drainage concerns (existing flood issues)
- Doesn't comply with policy
- Highway safety concerns
- Cramped development
- Biodiversity impacts
- Loss of privacy
- Noise impacts
- Pollution from more cars
- Drainage ditch not accessible
- Refuse and emergency vehicles cannot access the site
- Won't be affordable housing in perpetuity

6.0 THE PLANNING POLICY CONTEXT

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
HOU 2	Housing Density
HOU 4	Affordable housing exception sites

6.2 *Witchford Neighbourhood Plan 2020*

SS1	A spatial strategy for Witchford
LC1	Landscape and Settlement Character
GI1	Public Rights of Way
GI3	Development and Biodiversity
H1	Housing Mix
H2	Affordable Housing on Rural Exception Sites
H3	Housing Design
IC4	Flooding

6.3 *Supplementary Planning Documents*

- Design Guide
- Developer Contributions and Planning Obligations
- Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
- Flood and Water
- Natural Environment SPD

- Climate Change SPD

6.4 *National Planning Policy Framework 2021*

- 2 Achieving sustainable development
- 6 Building a strong competitive economy
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The following key issues have been identified;

- Principle of Development
- Visual Amenity
- Access & Highways
- Residential Amenity
- Ecology & Biodiversity
- Flood Risk and Drainage
- Energy and Sustainability

7.2 Principle of Development

7.2.1 The site lies outside of but immediately adjacent to the settlement boundary for Witchford as set out under Policy SS1 (Policy Map 6) of the Witchford Neighbourhood Plan (WNP) and as updated in the defined development envelope in the Local Plan. WNP Policy SS1 and Local Plan policy GROWTH 2 both seek to restrict development outside of settlement boundaries to specific development types; mainly, rural exception housing, appropriate employment development and development required for land-based enterprise e.g., agriculture. The main driver for this restrictive approach is the need to protect the countryside and the setting of towns and villages, which policies WNP LC1 and Local Plan policy ENV 1 also both seek to achieve.

7.2.2 The proposal is for 4 affordable dwellings, as an extension to the existing affordable housing development at Skylarks. Policy HOU 4 supports the principle of Affordable Housing exception sites where the following criteria are met;

- There is an identified local need which cannot be met on available sites within the development envelope (including allocation sites), or sites which are part of community-led development.
- The site is well related to a village which offers a range of services and facilities, and there is good accessibility by foot/cycle to those facilities.
- No significant harm would be caused to the character or setting of the settlement and the surrounding countryside.
- The scale of the scheme is appropriate to the location and to the level of identified local affordable housing need.

- The scheme incorporates a range of dwelling sizes, types and tenures appropriate to the identified local need; and
- The affordable housing provided is made available to people in local housing need at an affordable cost for the life of the property.

Furthermore, and more recently, Policy H2 of the WNP supports small-scale affordable housing exception sites for people with a Witchford connection subject to the following;

- the proposed development, by virtue of their size, scale and type, will not exceed the identified local needs for affordable housing;
- the types of dwellings proposed meet the needs identified in Witchford as identified in an up to date housing needs survey;
- the homes are located within easy access to Witchford village centre,
- the affordable housing is provided in perpetuity; and
- no significant harm would be caused to the character of the village, its setting or the countryside.

7.2.3 Therefore, the main considerations as to whether the principle of development is established are as follows;

- *Demonstration of Need*
- *Accessibility & connectivity (to the wider settlement)*
- *Impact on the character of the countryside*
- *Affordable housing in perpetuity*

Demonstration of Need

7.2.4 The Council's housing team has confirmed that they are content with the provision of affordable housing and have recommended that the applicant seeks the views of the Parish Council in respect of specific need, notwithstanding that they have also suggested that the housing should meet M4(2) standards in respect of accessible and adaptable homes and the minimum gross internal floor area as defined within the DCLG; National Describes Space Standards. The applicant has provided confirmation that the development will be constructed to these standards.

7.2.5 The Parish Council has provided two responses to the proposal during its assessment of the application, objecting on both occasions. The first response raised an objection on the basis that it did not demonstrate that a need for affordable housing in the locality was required and that Witchford already provides sufficient affordable housing to meet local need, with the application unsupported by an up to date housing needs assessment. In addition, that significant harm would be caused in respect of drainage issues, and adverse impacts on protected trees and hedgerow.

7.2.6 The latest Strategic Housing Market Assessment (SHMA) published in 2021 sets out a suggested mix of housing - both market and affordable, in order to meet likely future housing needs in the Cambridgeshire and west Suffolk region. The SHMA indicates that in respect of affordable housing; a mix requirement identifying a higher percentage of 2-bedroom dwellings (35-45% of total dwellings). The SHMA is a district-wide document and therefore does not provide specific advice on

Witchford e.g., in respect of the demand for smaller affordable homes. In this regard however, WNP policy H1 does identify that “It is particularly important that the stock of smaller homes is increased in the parish.” And goes on to refer to current housing mix constraints within the village citing;

“In general house prices are well above average for East Cambridgeshire and there is a particularly high premium for larger properties which can be explained through a high demand from families in this location. Whilst it is recognised there is a high market demand for larger homes in Witchford village, it is very important that new housing stock also includes smaller homes which can cater for the needs and demands of older members of the community as well as younger adults and younger families.

“Evidence of demand for smaller homes and bungalows can be demonstrated from the results of a survey of Ely estate agents carried out in October 2018. Four estate agents responded to the survey (three both sales and lettings, one lettings only). The surveys demonstrate an excess of demand over supply in flats, bedsits, bungalows, detached, shared and affordable housing, and an excess of demand over supply for one and two bedroom properties, in both the sales and lettings sector. Quotes from the Platinum Properties Letting Agency survey response refer to this as a strong trend:

*‘We have seen demand increase massively over the last 10 years. We have a large number of migrant workers in this locality as well as younger households struggling with the affordability of purchasing’
‘Demand for 2 and 3 bedroom homes continues to increase’
‘I would suggest there is a shortage of retirement homes.’ ”*

- 7.2.7 Access to affordable housing featured strongly in the feedback from community consultations throughout the Neighbourhood Plan development period, with a significant number of respondents confirming the need for low-cost, affordable rent and shared ownership housing and a need for bungalows. This is consistent with the findings of Witchford’s Demographic & Socio-Economic Review undertaken by CambsACRE in 2017 in support of the Neighbourhood Plan.
- 7.2.8 Notwithstanding, the Council’s Housing team has advised that there are currently at least 2 applicants on the housing register currently within Witchford requiring a 2-bedroom dwelling and with over 500 applicants in adjacent settlements also requiring 2-bedroom dwellings in the locality (Sutton, Haddenham, Wentworth, Stretham, Wilburton and Ely). This is a snapshot of August’s current waiting list and it is acknowledged that this list is organic and the need may increase or decrease over time. It is also important to note that ‘local connection’ can relate to matters such as previous residence, family or employment.
- 7.2.9 In conclusion, whilst it is regrettable that the applicant has not undertaken any specific needs assessment in this instance, the evidence gleaned from the SHMA, the Neighbourhood Plan and support by the Council’s Housing Team would indicate that there is currently local demand for this small-scale development of 2-bedroom affordable bungalows and it is unlikely that the proposal would exceed demand, notwithstanding the remaining principle considerations as follows.

Accessibility & connectivity

- 7.2.10 As noted, the development would essentially form a small extension to the existing Skylarks development. This site is linked via a footpath and public Byway to Sutton Road and in-turn to the core of the village. It is important to note that when the Council approved the Skylarks development, this was under the current provisions of the Local Plan i.e., with the same criterion as set out above. It was ultimately concluded that the development, on balance, was compliant with the development plan when read as a whole, or rather, it was not refused on the basis of poor connectivity. As such, in this instance, it would not be reasonable to conclude that the development is not well-related to the core settlement, as per the concerns raised by the Parish Council.

Impact on the character of the countryside

- 7.2.11 The application site sits immediately adjacent to the development envelope of Witchford on its eastern and northern boundary and directly abuts the Skylarks development. Immediately west of the site but separated from the application site by a belt of established hedgerows and trees, is the rear land of 13 Sutton Road (shown as number 11a on the site plan) which comprises a modest barn structure set among agricultural land. In this regard, the development would relate more to the Skylarks estate and the built form of Witchford than to open countryside.
- 7.2.12 The development comprises single-storey units of accommodation and therefore its impact on the wider countryside would be very limited in terms of scale and massing. The development does not propose to remove significant areas of established boundary planting (demonstrated through the inclusion of a tree and hedge protection method statement) and therefore would assimilate well into both the existing development and the natural features of the site and would be read very much in conjunction with Skylarks estate, with the hedgerow/ tree belt confining the development to the built part of Witchford. In this regard, it is considered that the development would relate more to the built settlement than to the open countryside and therefore would not conflict with the aims of WNP policies LC1, SS1, H2, and Local Plan policies ENV 1, GROWTH 2 and HOU 4 in respect of protecting the character of the countryside and the character and setting of the village.

Affordable housing in perpetuity

- 7.2.13 The applicant has agreed that planning conditions or a legal agreement would secure the provision of the affordable housing and that it would be made available for those with a connection with Witchford as required under WNP policy H2 and Local Plan policy HOU 4. It is considered that this could reasonably be secured through a legal agreement and would meet with these policy requirements.

Principle conclusion

- 7.2.14 Having regard to the above assessment, it is considered that the principle of the development is supported through the relevant development plan policies which guide the delivery of affordable exception sites. It therefore follows that the application should be determined in accordance with other relevant policies of the development plan.

7.3 Visual Amenity

- 7.3.1 Policy ENV 1 of the Local Plan 2015 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 of the Local Plan 2015 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas. This approach is essentially echoed through WNP policies LC1, SS1 and H2. 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.

- 7.3.2 As set out above, it is considered that the development would not result in significant harm to the character of the countryside, or to the character and settlement pattern of the village. Notwithstanding, the development is low-scale and would only be visible from immediate views from neighbouring properties and limited views, mostly of roof tops from the public byway which runs along the eastern boundary of Skylarks leading south. Whilst it is noted that the Council previously refused an application for development of the whole site, partly on the grounds of cramped development (15/01325/FUM), this was for 2-storey dwellings across the entire site and therefore is not comparable to the latest scheme as it would have had a much greater visual impact.
- 7.3.3 The scale and form of the dwellings would accord with the adjacent dwellings on Skylarks, where bungalows (as well as 2-storey dwellings) are found, finished in a mix of red brick, buff brick and render. The dwellings are proposed to be finished externally in facing brick and roof tile. Whilst specific details have not been submitted at this stage, they would be expected to complement the existing Skylarks development and details could be reasonably secured through planning condition.
- 7.3.4 In order to secure private amenity space, it is expected that boundaries would be enclosed. The southern boundaries of existing dwellings along the south of Skylarks are secured with 1.8m (5'10") high mesh fencing and therefore rear gardens are visible from the Byway. Details of boundary treatments have not been provided at this stage, but it is anticipated that a suitable scheme could be secured via a planning condition which would achieve adequate amenity whilst respecting the edge of countryside environment and the existing Skylarks development.
- 7.3.5 In summary, subject to securing appropriate details via planning condition, the development is anticipated to achieve high-quality design which would complement the character and appearance of the area, in accordance with WNP policies LC1 and H3, Local Plan policies ENV 1, ENV 2 and paragraphs 127 and 130 of the NPPF.

7.4 Access & Highways

- 7.4.1 The development would be accessed via the existing roads serving the Skylarks development. The Local Highways Authority has raised no objection to the proposal, subject to conditions ensuring that roads are made up to at least binder course prior to occupation and details for future management and maintenance are agreed. It is anticipated that the roads serving the development would fall under the same management and maintenance as the existing Skylarks estate. Nonetheless a suitably worded planning condition is considered necessary to clarify this.

7.4.2 The Council's waste collection team currently enter the Skylarks development for weekly bin collections. Wheeled bins are mainly collected from a central collection point which has capacity to accommodate weekly bin collections from the proposed 4 additional dwellings. Whilst wheeled bin distances slightly exceed distances recommended in RECAP guidance (around 40m rather than 30m(98'5") as recommended) it is not considered reasonable to refuse the application on this basis, particularly given that RECAP is guidance only and whilst material to the assessment of application, is not a strict policy requirement and would not amount to any severe harm.

7.5 Residential Amenity

7.5.1 Policy ENV2 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.

Future Occupiers

7.5.2 The properties are arranged with front and rear outlooks and due to their scale and window positions, would not result in any overbearing, overlooking or overshadowing issues upon one another. Furthermore, each property is provided with over 100sq. metres (1,076sq. ft) of private amenity area, therefore in excess of the Council's minimum standards. It is also expected that a suitable scheme of boundary treatments could be secured via condition, to ensure that private amenity areas are protected.

7.5.3 The Council's Contaminated Land officer has concluded that it is unlikely that ground contamination is present that would otherwise require investigating and mitigating, however has advised that it would be prudent to ensure that should any unsuspected ground contamination be found during construction, that this is managed in accordance with current protocols e.g., cessation of construction until contaminants are investigated and mitigated etc. This can be reasonably controlled via planning condition.

Existing residents

7.5.4 Given the scale and positioning of the proposed dwellings, it is not anticipated that the amenity of existing residents would be compromised through the development, with adequate separation distances achieved, so as to avoid visual dominance, overshadowing and overlooking. Whilst the outlook for some residents may alter as a result of the development, this would not amount to severe harm.

7.5.5 Residents already within the Skylarks development are provided adequate on-site parking areas for each dwelling. Concerns have been raised that by creating an additional access to the proposed development, this would reduce the number of parking spaces available to existing occupiers. However, the site plan clearly shows that each existing dwelling is afforded 2 parking spaces and visitor parking is also achievable within the estate, without compromising highway safety or the free-flow of traffic.

7.5.6 Residents have suggested that the land should be allocated as a play area for the benefit of occupiers of the estate, however, this was not secured under the original

planning permission for the Skylarks development and the LPA are obliged to determine the proposal before them.

7.5.7 Whilst the construction element of the development may result in some noise interference, the future occupation of this modest development is unlikely to yield significant issues in respect of noise and other forms of pollution. Notwithstanding, the impacts of the construction element can be reduced through compliance with a condition restricting construction times and, if necessary, a piling method statement should piling be required as suggested by the Council's Environmental Health team.

7.5.8 In conclusion, subject to conditions, the scheme demonstrates that in general, a high-quality living environment would be achieved for existing residents and future occupiers of this development in accordance with WNP policy H3, Local Plan policy ENV2 and Chapter 12 (particularly paragraph 130) of the NPPF.

7.6 Ecology & Biodiversity

7.6.1 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 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. WNP policy GI3 seeks the same, through measures such as;

- Trees, hedgerows, water and other habitats integrated into the development;
- Wildflower verges along roads and formal open spaces;
- Lighting designed to avoid disturbing wildlife;
- Bat roosts and bird boxes;
- Features and corridors to help invertebrates, reptiles, hedgehogs and other mammals.

7.6.2 The application is supported by an ecology survey and small site net gain calculation, which ultimately identifies the site as of relatively low ecological value. Notwithstanding, the survey identifies that achieving net gain in biodiversity would be difficult, due to the scale of the development and the site area which limits opportunities for this. This is unfortunate and contrary to the aims of the policy NE6 of the Natural Environment SPD, which seeks to secure net gains in biodiversity. The SPD seeks to secure a higher threshold of biodiversity values across development than is currently nationally prescribed or as set out in the Local Plan and in this regard, it is not possible to strictly apply this requirement on current proposals, albeit it is anticipated that as of November 2023 the requirement for biodiversity net gain will become statute for some developments and would supersede the SPD at that point.

7.6.3 The NPPF and Local Plan currently seeks to ensure that no net loss to biodiversity results through developments and in this regard, the ecology survey sets out suggestions to mitigate the impact such as further planting and enhancing existing hedgerows, log piles and hibernacula, bird nesting and bat roosting boxes, bee bricks and invertebrate habitats. Such measures can be reasonably secured via

planning condition and should result in no net loss to biodiversity across the site and introduce opportunities to enhance some aspects of biodiversity.

- 7.6.4 Concerns have been raised regarding the impact of the development on the TPO tree and hedge located along the western boundary of the site. The applicant has set out that these areas would be protected during construction and the Council's Tree Officer has confirmed their agreement to this but has sought further detail in respect of future pruning, to ensure that the hedge is not over-pruned leading to its early decline. The future management of the existing and soft landscaping can be reasonably secured via planning condition to ensure its longevity.

Subject to delivery of an agreed scheme, the development would accord with WNP policy GI13 and Local Plan policy ENV 7.

7.7 Flood Risk and Drainage

- 7.7.1 A number of concerns have been raised throughout the life of this application in respect of existing drainage issues on neighbouring land and properties. It is understood that adjacent residents of Sutton Road have experienced surface water flooding in recent years, with flooding affecting front and rear gardens and, on occasions, flood water entering properties. Some residents have referred to such flooding incidents being linked to the Skylarks development i.e., that flooding only started once the Skylarks development was built.

- 7.7.2 The Lead Local Flood Authority has undertaken a site visit (accompanied by the case officer) and reviewed the existing drainage methods associated with the Skylarks development. The existing site drains in an easterly direction where it flows into an existing drain which runs north to south along the eastern boundary of the site. Water then flows southwards along the drainage channel before turning 90' through a recently upgraded culvert and heading westwards along field boundaries.

- 7.7.3 The development proposes to tie into the existing drainage system i.e., directing surface water run-off from the properties to the east, leaving only the rear gardens to drain freely, as the land currently does. The LLFA has concluded that the existing system has capacity to accommodate surface water run-off from the proposed extension to the development without leading to increased flooding and raises no objection, subject to conditions securing a drainage and maintenance strategy and also a scheme to ensure any surface water run-off during construction does not lead to pollutants entering watercourses.

- 7.7.4 Concerns have also been raised locally regarding the existing shallow ditch which runs along the western boundary of the site and there is currently dispute over who has responsibility over this, with the applicant claiming that it would fall under their riparian responsibility and the owners of no 13 Sutton Road (shown as number 11a on the site plan) claiming it falls within their ownership/ responsibility. The applicant has agreed that the ditch must be accessible by whomever, in order to ensure it is maintained and has agreed that they would incorporate ongoing maintenance of this drain under the wider management of the drainage systems supporting the Skylarks development and would accept a condition securing a long-term maintenance strategy. In this regard, it would be important to ensure that the rear gardens of Plots 15 to 17, whilst incorporating fencing to secure private amenity space, also allow for access to the ditch. In this regard, a condition requiring precise details of

boundary treatments (and gated access) would be necessary, to ensure access for maintenance personnel.

7.7.5 Notwithstanding the above, it is important to note that it would not be the responsibility of this development to resolve existing issues, only to ensure that it does not exacerbate an existing issue. The Planning Practice Guidance sets out that; *“A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development”* (Paragraph: 004 Reference ID: 21a-004-20140306, Revision 06032014). The LLFA has confirmed they are content that the development would not result in an increase in flood risk based on the information provided.

7.7.6 In summary, the development would achieve a sustainable means of drainage which would not lead to an increase of flooding either within the site or on adjacent land in accordance with the aims of Local Plan policy ENV 8 and WNP policy IC4.

7.8 Energy and Sustainability

7.8.1 Policy ENV 4 (Energy and water efficiency and renewable energy in construction) 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). The adopted Climate Change SPD predominantly focusses on providing additional guidance to the implementation of Local Plan Policy ENV 4 – Energy and water efficiency and renewable energy in construction.

7.8.2 The scheme is for 4 dwellings and therefore, the latter requirement for demonstrating a 20% exceedance of Building Regulations is not applicable in this instance, albeit that current Part L of Building Regulations (as of 2022) now sets a higher requirement for sustainable build than the SPD sets out in any case.

7.8.3 Notwithstanding the requirement to accord with latest Building Regulations, the application does not provide details on how it intends to maximise energy efficiency before incorporating renewable or low-carbon energy sources (if required). As such, it is necessary to require further details in respect of energy efficiency measures, in order to ensure compliance with policy ENV 4 which could for example comprise details of the building fabric, water efficiency measures and, if required any renewable energy products that may need to be incorporated on the development but which require assessment on any potential visual or residential amenity impacts. These details can be reasonably secured via planning condition and would ensure compliance with policy ENV 4.

7.9 Planning Balance & Conclusion

7.9.1 The development would result in the introduction of 4 single-storey affordable dwellings as an extension to an existing affordable housing scheme and in a location where there is strong indication of such a need in the village and immediately adjacent settlements. In addition, the development would be built to

meet the needs of an ageing or reduced-mobility population in that it would conform to M4(2) standards (accessible and adaptable homes). These matters carry substantial weight.

- 7.9.2 Furthermore, the development would not result in significant harm to the character of the countryside or the settlement pattern of the village and is located in a relatively sustainable location in transport terms (the main drivers for restricting development in the countryside as set out under policy GROWTH 2).
- 7.9.3 Whilst it has been identified that achieving net gain in biodiversity within the site would be unlikely, a suitable scheme could nonetheless be secured to introduce some biodiversity enhancements.
- 7.9.4 The scheme raises no technical concerns that cannot otherwise be made acceptable via planning conditions.
- 7.9.5 Having regard to the development plan when read as a whole, the scheme is considered to amount to sustainable development, subject to securing the necessary S106 agreement, to ensure that the affordable housing element is secured in perpetuity and subject to the conditions as set out at Appendix 1.

8.0 RECOMMENDATION

Approve as per the terms set out at section 1 above.

9.0 COSTS

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

10 APPENDICES

Appendix 1: Schedule of proposed conditions

Background Documents

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60771/2116950.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:

19/01157/VARM

19/01155/VARM

19/00500/FUL

16/00849/DISB

16/00849/DISA

16/00849/FUM

15/01325/FUM

APPENDIX 1 - 21/01600/FUL Conditions

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

<i>Plan Reference</i>	<i>Version No</i>	<i>Date Received</i>
EDG/15/03/400B: Location Plan		3rd November 2021
EDG/15/03/401B: Site Plan		3rd November 2021
EDG/15/03/404: Site Layout		3rd November 2021
EDG/15/038/402	Plots 14/15 & 16/17	3rd November 2021
099/2022/01/JAH	Letter re: Drainage & Flood	25th October 2022
9464-D-AIA	Tree Protection Plan	25th October 2022

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.
The scheme shall be based upon the principles within the agreed Flood Risk Response prepared by GHBullard & Associates LLP (ref: 099/2022/01/JAH) dated and shall also include:
- Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
 - Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
 - Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
 - Full details of the maintenance/adoption of the surface water drainage system;
- 3 Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction

works may compromise the ability to mitigate harmful impacts, in accordance with policy ENV 8 of the East Cambridgeshire Local Plan and IC4 of the Witchford Neighbourhood Plan 2020. This condition is pre-commencement due the drainage measures being one of the first phases of construction.

- 4 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

- 4 Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts in accordance with policies ENV 8 and ENV 9 of the East Cambridgeshire Local Plan and IC4 of the Witchford Neighbourhood Plan 2020. This condition is pre-commencement as it is necessary to have the detail in place before works begin to avoid potential risks of pollution.

- 5 No development shall proceed above ground level 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).

- 5 Reason: In the interests of highway safety and residential amenity in accordance with policies COM7, COM8 and ENV 2 of the East Cambridgeshire Local Plan 2015.

- 6 No development shall proceed above ground level until a full schedule of all soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include;
 - i)A scaled plan showing the locations of new and existing vegetation
 - ii)A tree pit design specification
 - iii)A schedule detailing sizes and numbers/densities of all proposed trees/plants (Hedging ideally needs to be planted at 0.60m centres in a double staggered row, usually a 20% mix of five species for a native species hedge)
 - iv)Specifications for operations associated with plant establishment to include a program for the timings of the landscape works and maintenance, to ensure successful establishment and survival of new planting and having regard to the timing of the commencement of the development.

The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) 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.

6 Reason: To safeguard the character and appearance of the area and to promote biodiversity, in accordance with policies ENV 1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 and LC1 and GI3 of the Witchford Neighbourhood Plan 2020.

7 No development shall proceed above ground level until a scheme detailing the long-term management of the hedgerow along the western boundary of the site, comprising details of; the method, timings, frequency and degree of pruning, has been submitted to and approved in writing by the Local Planning Authority.

The agreed scheme shall be implemented upon first occupation and thereafter undertaken in accordance with the details agreed.

7 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area and biodiversity, in accordance with policies ENV 1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 and LC1 and GI3 of the Witchford Neighbourhood Plan 2020.

8 No development shall proceed above ground level until a scheme detailing biodiversity enhancements across the site including a timeframe for implementation and which follows the recommendations as set out in the submitted 'Biodiversity Small Site Net Gain Calculation' (Hayden's Arboricultural Consultants ref: 9464) has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in accordance with the approved details and thereafter retained in perpetuity.

8 Reason: To protect and enhance species and biodiversity habitats in accordance with policy ENV7 of the East Cambridgeshire Local Plan 2015 and GI3 of the Witchford Neighbourhood Plan 2020.

9 No development shall proceed above ground level until a lighting scheme for all streets has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be accompanied by a technical report prepared by a qualified competent person setting out;

- i) the specification of lights,
- ii) locations and heights of lighting columns,
- iii) the light levels to be achieved over the intended area and at the development site boundaries and the surrounding area.

The approved scheme shall be implemented on site prior to first occupation of the development or in agreed phases, and retained as such thereafter.

9 Reason: To safeguard the residential amenity of occupiers, the visual impact of the development and protection of nocturnal biodiversity in accordance with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan 2015 and LC1 and GI3 of the Witchford Neighbourhood Plan 2020.

- 10 No above ground construction shall proceed until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the dwelling.
- 10 Reason: To safeguard the character and appearance of the area and to enable drainage maintenance access, in accordance with policies ENV 1, ENV2 and ENV 8 of the East Cambridgeshire Local Plan 2015 and LC1 and IC4 of the Witchford Neighbourhood Plan 2020.
- 11 No works shall proceed above ground level until details of materials for the external walls and roofs of the development have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the details approved.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and H3 of the Witchford Neighbourhood Plan 2020.
- 12 No works shall proceed above ground level until details of how the development will maximise energy efficiency and, if required, details of renewable or low-carbon energy sources has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
- 12 Reason: In order to ensure that the development seeks to maximise energy efficiency and to ensure any renewable energy sources are appropriate having regard to the visual and residential amenity impacts which may result, in accordance with policies ENV 2 and ENV 4 of the East Cambridgeshire Local Plan 2015.
- 13 No above ground construction shall proceed until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing of all roads and paths serving the dwellings and any on-plot hard landscaping. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing with the Local Planning Authority prior to first occupation.
- 13 Reason: To safeguard the character and appearance of the area and in the interest of residential amenity, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and H3 of the Witchford Neighbourhood Plan 2020.
- 14 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 EDG/15/03/404 in writing by the Local Planning Authority.
- 14 Reason: In the interests of highway safety and residential amenity in accordance with policies COM7, COM8 and ENV 2 of the East Cambridgeshire Local Plan 2015.
- 15 The tree protection measures as shown in the submitted Arboricultural Impact Assessment (Haydens Arboricultural Consultants ref: 9464-D-AIA) shall be implemented

as detailed at all times during any clearance, site works or development 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.

- 15 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area and biodiversity, in accordance with policies ENV 1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 and LC1 and GI3 of the Witchford Neighbourhood Plan 2020.
- 16 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.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 In the event of the foundations from the proposed development requiring piling, prior to the commencement of any such piling, 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.
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 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.
- 18 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 ENV 9 of the East Cambridgeshire Local Plan 2015.
- 19 The development hereby permitted shall be built to the standard meeting M4(2) 'Accessible and Adaptable Dwellings' as set out under Part M of Schedule 1 to the Building Regulations 2010 (or its successor) and confirmation of this shall be provided to and agreed in writing by the Local Planning Authority prior to the first occupation of the development.

- 19 Reason: To ensure the development meets the needs of older and/or less-mobile residents in accordance with policy H1 of the Witchford Neighbourhood Plan 2020 and HOU4 of the East Cambridgeshire Local Plan 2015.

23/00205/OUM

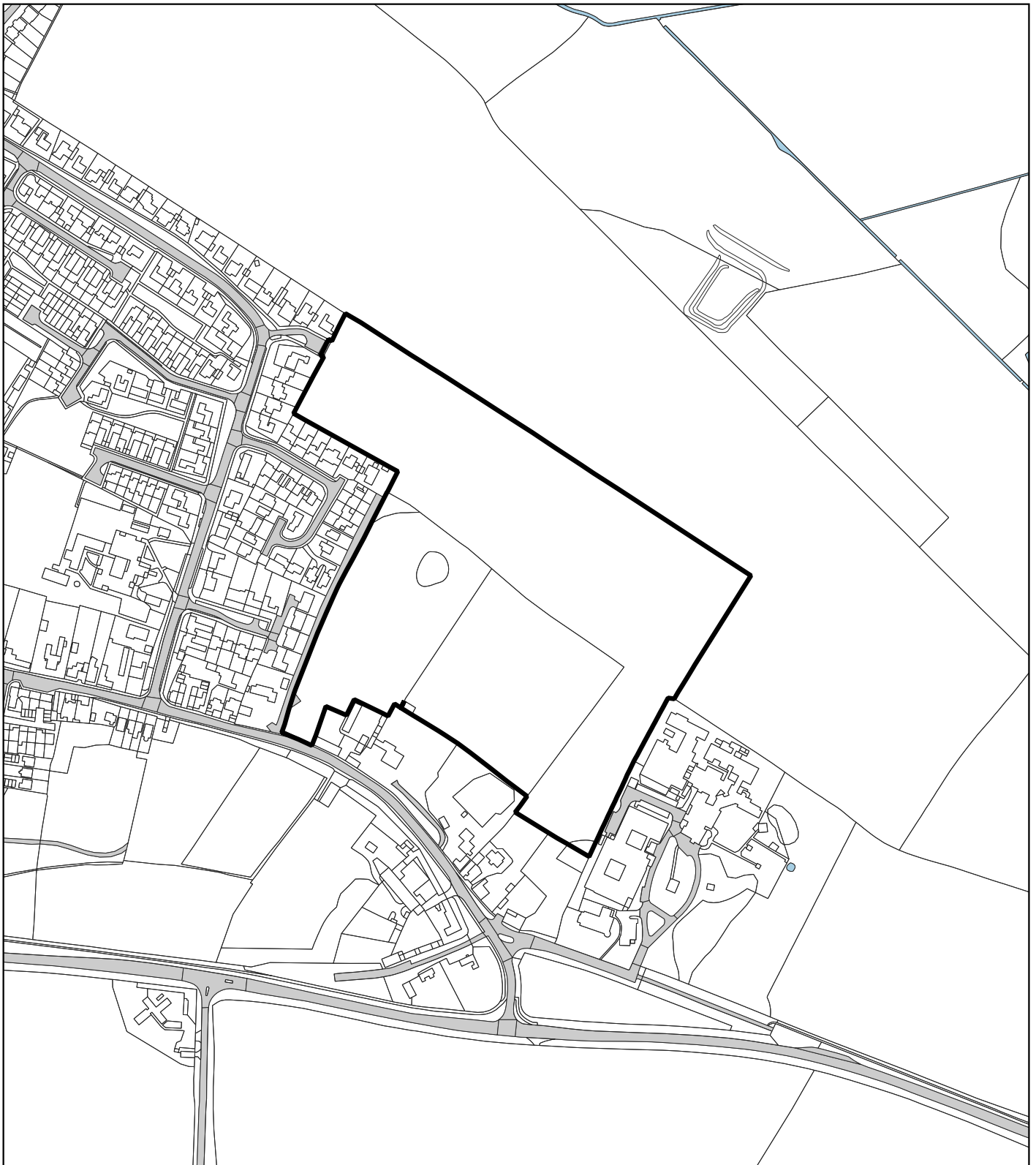
Land Rear Of 163 To 187 High Street
Bottisham

Development of a retirement care village in class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (comprising up to 30 percent on-site provision), public open space, play provision, landscaping, car parking, access and associated development

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=RQ67URGGIRY00>





23/00205/OUM

Land Rear Of 163 To 187
High Street
Bottisham



East Cambridgeshire
District Council

Date: 14/08/2023
Scale: 1:4,500



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TITLE: 23/00205/OUM

Committee: Planning Committee

Date: 2 August 2023

Author: Planning Team Leader

Report No: Y37

Contact Officer: Andrew Phillips, Planning Team Leader
andrew.phillips@eastcambs.gov.uk
01353 616359
Room No 011 The Grange Ely

Site Address: Land Rear Of 163 To 187 High Street Bottisham

Proposal: Development of a retirement care village in class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (comprising up to 30 percent on-site provision), public open space, play provision, landscaping, car parking, access and associated development

Applicant: Axis Land Partnerships Ltd/Bottisham Farming Ltd

Parish: Bottisham

Ward: Bottisham

Ward Councillor/s: Charlotte Cane
John Trapp

Date Received: 16 February 2023

Expiry Date: 18 May 2023

1.0 RECOMMENDATION

1.1 Members are recommended to conclude that, had the Council been able to determine the planning application before the applicant lodged an appeal against non-determination, then the Members would have refused the application for the following reasons:

1. The development of the site to provide a retirement care village and 30% affordable housing units would encroach upon the open countryside and result in substantial harm to the openness and character of the Green Belt when compared to the nature and characteristics of the existing agricultural land. The case for demonstrating very special circumstances to outweigh any harm to the Green Belt has not been demonstrated. The proposal fails to comply with any of

the exceptions within Paras 147-149 of the NPPF and therefore comprises inappropriate development within the Green Belt. The proposal is therefore contrary to Policies ENV1, ENV2 and ENV10 of the East Cambridgeshire Local Plan 2015 and section 13 of the NPPF 2021.

2. The scale of development is inconsistent with the locational strategy of the Local Plan, which directs the majority of development to the market towns of Ely, Soham and Littleport, and seeks only more limited development to take place in villages such as Bottisham. In addition the proposal results in harm to the character and appearance of the area. The proposal is therefore contrary to policy GROWTH2 of the Local Plan and the retirement care village element of the proposal conflicts with Policy HOU6.

2.0 SUMMARY OF APPLICATION

- 2.1 The application is for retirement care home (Class C2) comprising up to 14,335sq.m gross internal area or 170 units and up to 30% affordable dwellings (Class C3) (i.e. approximately up to 51 affordable units). The care home is described as housing with extra care where the care can be provided 24/7 but is to be provided in individual dwellings within the retirement care village. This is a lower level of care than a care home and substantially less than a nursing home; though the developer has described care can be increased accordingly as needed. The developer is seeking to control those who can live in the retirement care village via a legal agreement. The proposed retirement care village is seeking to provide a café/bar, wellness centre, gym, library, salon and therapy/treatment rooms.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.3 The application was submitted as valid on the 16 February 2023, which was fundamentally identical to the application that was dismissed at appeal (20/00296/OUM) on the 7 April 2022. The material difference is that this application has provided a more comprehensive Alternative Site Assessment. The developer has also suggested an alternative lower indicative height, but didn't apply for scale to be considered at outline.
- 2.4 Given the similar nature of the application the case officer sought a legal opinion at their earliest opportunity (4 April 2023) to see if the Council could refuse to determine the application. The legal opinion received recommended that while there was no material difference in the proposal, there was a material change in the supporting evidence (Alternative Site Assessment), and it was that evidence that was an important factor in the refusal and appeal dismissal of the previous application. The application was, therefore, duly accepted as being one that needed to be determined.
- 2.5 The case officer met with the developers to discuss the proposal on the 27 April 2023. In addition, a meeting was had with a specialist to review the developer's site assessment on the 8 June 2023 and this specialist came back with a detailed costings/times to undertake the work on the 17 July 2023.

- 2.6 The developer made known its intent to appeal non-determination on the 26 May 2023 and followed through on this on the 14 June 2023.
- 2.7 The application is brought before this Committee to determine what the Local Planning Authority's decision would have been, had it been given the opportunity to determine the application. It is important for the Planning Authority to establish that position, as it will form the basis of its case for the forthcoming appeal process. This case officer's report, together with the Planning Committee's decision, will be sent to the Planning Inspectorate post this meeting.

3.0 PLANNING HISTORY

3.1 Site history

19/00661/SCREEN

SCREENING OPINION - A retirement village of up to 250 residential units C2 use, comprising a mix of independent living retirement homes, extensive new open space, landscaping, access and communal amenity facilities.

22 May 2019

20/00296/OUM

Development of retirement care village in class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (comprising up to 30% on-site provision), public open space, play provision, landscaping, car parking, access and associated development

Refused

5 March 2021

Other relevant history within Bottisham

16/01166/OUM and 21/00984/RMM - Land Off Bell Road, Bottisham

The site is allocated for residential development of approximately 50 dwellings within the East Cambridgeshire Local Plan 2015 (the Local Plan), under policy BOT 1.

Outline planning permission (ref: 16/01166/OUM) for a residential development of up to 50 dwellings, new vehicular and pedestrian access from Ox Meadow, public open space including allotments and associated infrastructure, was approved on 30.07.2019. The outline planning permission is subject to a Section 106 agreement securing a minimum of 40% affordable housing across the development.

Reserved matters permission (ref: 21/00984/RMM) granted approval of the Reserved Matters (access, appearance, landscaping, layout and scale) for 50 dwellings, on 30.06.2022. Although the Section 106 agreement relating to the outline planning permission requires a minimum of 40% affordable housing provision, a Tenure Plan accompanied the reserved matters application showing that 100% of the dwellings would be affordable.

The approved development will therefore provide a minimum of 40% affordable housing, in accordance with policies BOT 1 and HOU 3 of the Local Plan.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is within Cambridge Green Belt and is partially within the Bottisham conservation area. The site is outside of, but immediately adjacent to, the development envelope of Bottisham, as defined by the Local Plan.
- 4.2 The site is an irregular shaped area of land measuring approximately 8.4 ha (20.75 acres) and comprises two fields, a smaller rectangular field of pasture land used for the grazing of sheep and a larger L-Shaped field used for cultivation of crops
- 4.3 Bottisham benefits from Swanton Care – Eden View Nursing Home and Barchester - Hilton Park Care Home (also including Oaklands Care Home) to the east of the site. More central within the village is MHA Queens Court - Residential & Dementia Care Home.
- 4.4 The application site abuts residential development in Rowan Close, Maple Close and Cedar Walk to the west and there is a PROW which runs along this boundary. To the south of the site is a group of Grade II Listed Buildings (Bottisham House, The Maltings, a number of barn conversions), and to the east is the Hilton Park Care Centre with open countryside framing the northern boundary.
- 4.5 Apart from hedgerow which form the site boundaries there are three groups of trees and five individual trees that lie within the site and these have the benefit of a Tree Preservation Order (TPO E/15/19).

5.0 RESPONSES FROM CONSULTEES

- 5.1 The full responses are available on the Council's web site.

Rt Hon Lucy Frazer MP – 4 April 2023

“I write on behalf of my constituents in Bottisham about the above planning application for a Retirement Care Village on land to the rear of 163 to 187 High Street, Bottisham. You will be aware that a very similar application for this site, 20/0296/OUM, was refused by the District Council in 2021, a decision which was upheld on appeal in January 2023. My constituents are concerned that this application is substantially the same as the previous application and should, therefore, be likewise refused. This application remains opposed by Bottisham Parish Council and many local residents primarily on the basis that the site is in the Green Belt and that there are not exceptional circumstances which would allow development of this provision on this site. I trust that the objections of my constituents, including the Parish Council, will be duly considered when a decision is made on this application.”

Bottisham Parish Council - 14 March 2023

“Bottisham Parish Council (BPC) strenuously opposes this application 23/00205/OUM and urges ECDC to refuse it on the basis of:-

1. NPPF protection of the Green Belt is covered extensively in paras 133 to 147 and BPC contends that there are no exceptional circumstances to override this. Importantly, only 3% of the land within ECDC jurisdiction, which includes Bottisham Parish, is protected under Green Belt regulations which must be respected.
2. The very minor changes to the applicant's submission 20/00296/OUM in 2021/2 do not justify a reversal of both ECDC's decision to refuse the original application, and the refusal of the subsequent appeal by the Planning Inspectors ref 21/00033/REFAPP.
3. The applicant has not demonstrated a need for a Retirement Village in this specific location. Indeed, a virtually identical Village now under construction in Stapleford, 7 miles distant from Bottisham and within the same catchment area, would meet any need in the vicinity that might exist.
4. The demographic split of the population of Bottisham is already heavily skewed towards the upper age groups (Source: Census 2021) and this application would further exacerbate this.
5. 50 affordable homes are in the process of construction on a less sensitive site off Bell Rd adjacent to the A1303 which (i) will satisfy the village's affordable homes need for many years (using ECDC calculations) and (ii) will, by encouraging younger families into the village, address the significant demographic imbalance described above. This new development will also provide a play area and allotments for the benefit of the village.
6. Elderly medical care is already covered by the three existing Care Homes in the village. That they are operating below capacity demonstrates the lack of need for accommodation provided by this application.
7. An influx of a large number of elderly residents would put Bottisham Medical Practice under an unacceptable strain.
8. Access on to the site is from a narrow point off the High Street, within the Conservation Area and close to the Primary School which would be dangerous. Visibility splays would be hampered by the 2 metre high wall to the north-western side of the access road, creating a definite danger. We would recommend that both the Conservation Officer (ref NPPF para 186) and Highways reject this application as being inappropriate.
9. By their own admission, the applicants have described this as a resubmission, which was technically prohibited after the appeal.

Bottisham Parish Council and ECDC have for many years opposed giving planning permission on Green Belt land without overriding exceptional circumstances and we request that ECDC do so again.

We recommend that this application should go to planning committee.”

Ward Councillors - 15 March 2023

"I have significant concerns about this application and ask that it should go to Planning Committee, if you are minded to approve the application.

It is an application which will impact beyond the village of Bottisham and East Cambridgeshire District Council. I therefore ask that you also formally consult the South Cambridgeshire Councillors and Cambridgeshire County Councillors for Fen Ditton & Fulbourn ward and Division and the neighbouring Parish Councils. I should also be grateful if you could make arrangements for them to present their case to the Planning Committee along with Bottisham Parish Council and the Bottisham ward Councillors.

The site is outside the development envelope, within Green Belt and partially in the Conservation Area and therefore the presumption should be that it is not developed. Bottisham already has Hilton Park Care Home, as well as Queen's Court, a residential and dementia care home and Eden View and Oaklands Nursing Homes. It has been pointed out by the GP Surgery that all of these currently have vacancies. As well as these specialist homes there is sheltered housing and housing which is suitable for elderly people. It is therefore very hard to see a justification for a retirement village in Bottisham, let alone for giving up Green Belt land to a retirement village. The research shows a need for provision for elderly people, but it does not show that a retirement village is the best way to meet this need. There will be people in the catchment area who can't afford it or who don't want to live solely with other elderly people. So it may well attract elderly people from further away and leave many local elderly people still in need of provision. And I do also worry about a large residential area given over solely to elderly people, there are many arguments that it is better to have communities with mixed age groups who can support each other.

The Bottisham Surgery provides excellent primary health care to residents of Bottisham and the surrounding villages. They already have a high proportion of elderly patients and have made their concerns about the impact of taking responsibility for additional elderly patients clear. The threat of losing a local GP Practice is very real - with Sutton nearly losing theirs recently.

The staff will work shifts which will include night time and Sunday shifts. At these times there are no bus services and it is a significant distance to cycle from Newmarket or Cambridge railway stations. In any event, a 40 minute bus ride (plus up to 60 mins wait to change from train to bus) will be unattractive to people, who will thus be likely to use their cars instead. Similarly, families visiting their relatives will find public transport both inconvenient and expensive and are thus likely to drive. The residents are likely to want to travel outside of Bottisham and sometimes outside of the hours when buses run - eg they cannot return home by public transport after an evening out in Cambridge. They are therefore likely to want a car and to use it even when there would be public transport options. If approved this development would add to traffic on already busy roads, including around the Primary School, and could add to parking issues within Bottisham.

The applicant argues that there is a growing need for specialist accommodation for elderly people and that this is the only site in East Cambs suitable for this. I accept there is a general need for such provision, but such need is not evidenced in

Bottisham, not least because Bottisham already has significant provision. Such provision should be spread geographically so that people can stay within areas which they know and so that local infrastructure is not put under too much pressure. The Alternative Site Assessment looks at many possible sites and rejects them. But it is looking at them for sufficient land available to this applicant for this size and type of development. That is a false test - the test is whether or not there can be sufficient provision across East Cambs for specialist accommodation for elderly people. Since several of those sites are already making provision for specialist accommodation for elderly people, and others could make such provision, it would appear that there can be sufficient provision across the District. Furthermore, this provision is distributed around the District so that people can stay close to where they lived before and local infrastructure is not put under strain. Even if you argue that there is need for a retirement village - there already is one being built just 7 miles away in Stapleford. There was undoubtedly a need for affordable housing in Bottisham. The Parish Council is well aware of this and has a record of supporting appropriate applications. 50 affordable homes are currently being built on a less sensitive site off Bell Rd which will satisfy the village's affordable homes need for many years. This new development will also provide a play area and allotments for the benefit of the village. There is no demonstrable local need for the affordable housing proposed in this application.

Bottisham is suffering from localised flooding every time it rains heavily, worse still, some houses have suffered from foul water backing up to the extent that they were unable to use their bathrooms. Until these issues are fully resolved it is foolhardy to allow further significant development in Bottisham.

For these reasons, I would ask that the application be rejected. But if you are minded to approve the application, I should like it to be considered by the Planning Committee."

The Ely Group Of Internal Drainage Board - 23 February 2023

"The above application is outside of the Swaffham Internal Drainage District. The Board has no comment to make on this application from a drainage point of view."

Environmental Health (Scientific Officer) - 23 February 2023

"I have read the Geoenvironmental and Geotechnical Desktop Study dated December 2019 prepared by Campbell Reith Hill and accept the findings. I recommend that a condition requiring further investigation for contamination is not required. Due to the proposed sensitive end use of the site (residential) I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission."

Environmental Health - 23 February 2023

"I have read the Planning Statement dated February 2023 which advises that "The current proposals are generally consistent with the previously refused scheme with the exception of the proposed maximum height parameters of the scheme, which differ in part."

Because of this my comments will not differ significantly from 20/00296/OUM.

Due to the size of the development and the close proximity of existing properties (and also taking in to account the proximity to Hilton Park Care Centre) I would advise that construction times and deliveries during the construction phase are restricted to the following:

08:00 - 18:00 each day Monday - Friday
08:00 - 13:00 on Saturdays and
None on Sundays or Bank Holidays

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

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.

There is reference to a Noise Assessment being included with this application but there isn't one visible on the Portal. If there is a new report then please let me know/send me a copy and I will respond with my comments. If the report is the same as submitted for 20/00296/OUM then my comments will remain the same. I include them here for reference -

"I have read the Noise Impact Assessment produced by Hoare Lea and dated 14th January 2020.

The report advises that the exact layout of the development is not yet known at this outline stage and so the entire site has been considered in the report. However, I have checked the Planning Portal and can see that there is an Illustrative Masterplan which is dated February 2020 and so was likely produced after the NIA was completed.

The report finds that the existing noise climate is predominantly determined by road traffic movements on the A14 and A1303. External amenity areas and internal sound levels (with an open window) during the day are expected to be achievable but the report finds that internal night-time ambient noise would need to be reduced slightly from 33 dB to 30 dB for it to be considered acceptable and suggests that

this may be achievable by using the building form to act as a noise barrier to create a quiet façade on the north or inward facing façade; "however, this would have to be explored during reserved matters when a site layout is known. If this is not possible, an alternative means of ventilation to opening a window may be required to protect internal noise levels." Alternatively, if you find the development necessary and/or desirable you can choose to relax these levels by 5dB and the development is predicted to comfortably achieve acceptable levels.

With regard to my previous comments and following the acoustician's visit to the site on the 3rd September 2019 and a preliminary noise investigation the report advises that there are no plant installations seen or heard along the eastern site boundary of the existing Hilton Park and Eden View Care Homes and therefore there is no specific requirement to consider British Standard 4142:2019. I acknowledge and accept this.

To summarise, the report advises that -

"The layout of the buildings and location of bedrooms are not known at this outline stage. It may be possible to orientate buildings to result in a quiet façade that contain the openable windows to bedrooms or provide an alternative means of ventilation. Further investigation into this is recommended at the reserved matters stage."

I have no immediate concerns to raise regarding this application and if you decide to relax the target sound levels or request that the applicant incorporates the mitigation described in the NIA then sound levels are likely to be achieved. On examining the Illustrative Masterplan my opinion is that the site has been sensibly laid out (from an acoustic perspective) but I would suggest that once the final layout has been agreed (specifically the floor plans) that there is a revised NIA submitted just to confirm that acceptable levels will be achieved across the site.

Finally, it is not known what sort of mechanical plant may be required at this stage and so I'd suggest a condition preventing the installation of any external mechanical plant without prior written approval from the LPA."

Section 2.13 of the D&AS discusses noise and advises -

"Hoare Lea has undertaken an acoustic assessment of the site to understand background noise levels and assess the site's suitability for development. Noise levels were monitored at several locations across the site over a period of 7 days, as illustrated on Figure 2.15. The main sources of noise in the vicinity of the site were identified as the A1303 and A14 roads to the south. Daytime noise levels are sufficiently low that no mitigation measures to reduce noise impacts on residents would be required. Nighttime noise levels are slightly above the threshold where small changes to behaviour might occur, but are still considered to be low enough to enable development with appropriate mitigation to reduce noise levels to bedrooms."

No other points to raise at this time but please send out the environmental notes."

Cambridgeshire Archaeology - 24 February 2023

“The site has been subject to an archaeological evaluation including geophysical survey and trial trenching which indicated a range of archaeological features across a number of periods including a human cremation burial (likely to be prehistoric) and a number of late Saxon to Medieval features not connected with agricultural process was found in discrete areas of the site. These would require investigation prior to any construction activity, were the site to be granted consent.

We do not object to development proposal but recommend that the that the following condition, with its informatives, is used to appropriately manage the concomitant change to assets within the historic environment:

Archaeology condition

No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

A brief for the archaeological investigation of this area can be obtained from this office upon request. Please see our website for CHET service charges.”

Cambridgeshire Archaeology - 14 July 2023

“Thank you for the notification of appeal. Our recommendations have not changed since our initial comments dated 24/02/2023 and attached for clarity. That while we have no objections to the development proceeding at this location we recommend that a programme of archaeological investigation is secured through condition against any granted permissions. Please ensure that our comments are included in any submissions.”

Cambridgeshire Fire And Rescue Service - 27 February 2023

“Should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

Water & Planning Manager
Community Fire Safety Group
Hinchingsbrooke Cottage
Brampton Road
Huntingdon
Cambs
PE29 2NA

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

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, the details of which can be found in the attached document.”

Cambridgeshire Fire And Rescue Service - 28 February 2023

“a fire hydrants required letter has recently been sent by our Water and Planning Department.

However, given the nature of the development, Cambridgeshire Fire & Rescue Service (CFRS) would strongly recommended that an automatic water fire suppression system is provided (sprinkler or water mist system) to promote life safety, property protection and to reduce the impact of fire on the wider community.

A planning condition for the provision of an automatic water fire suppression system to be provided for this application would be much welcomed by CFRS.”

Asset Information Definitive Map Team - 3 March 2023

“Whilst the Definitive Map Team has no objection to this proposal, the footpath must remain open and unobstructed at all times.”

Anglian Water Services Ltd - 3 March 2023

“Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of

the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Bottisham Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment and Drainage Strategy dated January 2023 part 1 and part 2 Based upon the above reference documents, the proposed connection is acceptable. We do not require a condition in planning for foul water. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. 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 reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.”

Cambridgeshire Wildlife Trust – 6 March 2023

“The submitted ecological report covers all the relevant issues and makes appropriate avoidance, mitigation and enhancement recommendations. If planning permission is granted, the recommendations in the report should be secured through the use of appropriately worded planning conditions. Likewise the submitted Biodiversity Net Gain (BNG) assessment provides an accurate representation of the baseline conditions of the application site and appropriate predictions for the post-

development biodiversity value. However, I note that the changes to the scheme compared to the previous scheme involve a small increase in buildings and gardens and a corresponding decrease in areas of informal landscape / habitat. The predicted Biodiversity Net Gain for habitats of this scheme is 8.64%, which is below the minimum 10% that East Cambs DC are aiming to achieve. While the scheme includes a number of measures aimed at particular species, which are welcomed, these are considered separately to the habitat assessment. Therefore, at this stage I would recommend that the applicant explores how they can increase the net gain in Habitat Biodiversity Units either through amendments to the scheme, or through contribution to an approved biodiversity offsetting scheme.”

Designing Out Crime Officer - 3 March 2023

“Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering Bottisham for the last 2 years and would consider this to be an area of low/medium risk to the vulnerability to crime at present. I note my colleagues' previous comments and crime figures, I have re-checked these as almost a year has passed since the previous searches were completed.

Relevant crimes recorded for this village during the above period are listed below: -

All Crime	219
Attempted Burglary Residential	3
Dwelling Burglaries	8
Criminal Damage Residential	1
Interference Motor Vehicle	1
Theft from Motor Vehicle	1
Theft Of Motor Vehicle	8
Other Theft	9
Other Criminal Damage	6
Theft Of Cycle	3
Burglary Business X 5 (Inc attempted X1)	6
Public Order X 22 (Including Race and Religiously Fear X 3)	25
Possession of Drugs (Cannabis)	1

With any residential development it is important to ensure the following measures are discussed: -

- o That there is a level of physical security for all buildings using enhanced security tested products (doors, windows, cycle and bin stores, car park access including mobility scooters and electric vehicle charging points)
- o Access and movement - defined routes, clear demarcation between public and private areas, and defensible space
- o Surveillance - overlooking streets and open space from active rooms, good lighting to ensure the safety of people and protection of property (bearing in mind ecological issues and protection of wildlife) and CCTV where necessary.
- o Ownership/territoriality
- o Flats - access control and visitor entry (audio/visual), compartmentalisation of floors (residents only having access to their floors), mail delivery, cycle and bin store as mentioned above.
- o Security of parking - good lighting and surveillance.

- o Footpath links - while necessary in places to promote walking and cycling, health and well-being - they should be designed to mitigate Antisocial behaviour, hiding places, and be well-lit.
- o External lighting - For the safety of people and their property our recommendation is that all adopted and un-adopted roads, private and shared drives and parking areas should be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. 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. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn bulkhead LED lights. I look forward to viewing a copy of the lighting plan including calculations and lux levels once available
- o Landscaping - must be a good maintenance and management plan in place to ensure that there is no conflict with natural surveillance, lighting, or CCTV.

There is mention in the planning statement of NPPF para 127 sub-para f which states that policies and decisions should ensure that developments: -
 Create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

There is also a section headed Secured by Design on page 37 of the Design and Access statement which concludes with a note which mentions, as the design progresses there will be a full Secured by Design review.

While this is at an early stage of development it is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for residents, staff, and visitors. Our office would be happy to discuss Secured by Design (SBD) and measures to reduce the risk and vulnerability to crime prior to a reserved matters application, I believe this development could achieve an SBD accredited award with consultation.

CCC Growth & Development - 8 March 2023

“This planning application (23/00205/OUM) appears to be similar to a previous scheme (20/00296/OUM) that was dismissed at appeal, albeit for a smaller number of residential units - 32 rather than 51 units. We have re-assessed the scheme and concluded that the need for an early years contribution remains, the need for a primary school contribution is still no longer necessary and that the need for a secondary school contribution remains too, and we seek contributions on the same basis as agreed for the s106 agreement for the appealed application.”

Local Highways Authority - 9 March 2023

“On the basis of the information submitted, I do not object to the proposed development.

In highway terms, the differences between this application and 20/00296/OUM are immaterial. While the previous application was refused, the refusal was not on highway safety grounds. The access onto High Street (drawing 2209048-01) and the associated footway widening on the south side (drawing 2209048-04) remain acceptable.

The proposed pedestrian link to Rowan Close is welcome but there is a small parcel of land between the existing field boundary (hedgeline) and the highway boundary which I understand to be outside of the applicant's ownership. While I note this land is included in the application redline boundary, the LPA should be satisfied that appropriate notice has been served.

Please append the following Conditions and Informatives 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 drawing 2209048-04.

HW14A: 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.

Non-standard condition: The pedestrian improvements shown on the drawing 2209048-04 shall be constructed prior to the first occupation of the development”

Transport Assessment Team (County Council) - 11 April 2023

“Background

This proposal appears to be similar in nature to that proposed under application 20/00296/OUM.

The Transport Assessment Team raised no objections at the time subject to conditions requiring off-site highway works, and a Travel Plan.

Comments

The Transport Assessment and Travel Plan are acceptable.

Conclusions

The Transport Assessment Team would raise no objections to this proposal subject to a condition requiring the following to be implemented prior to the occupation of the new development:

- o The construction of dropped kerbs and tactile paving across the bell mouth on the proposed site access and north to south on High Street.
- o The widening of the length of existing footway on the southern side of High Street from the site access and the bus stop adjacent No.136 to a minimum of 2m in width.
- o The construction of a pedestrian link of a minimum of 2m wide from Rowan Close into the development.”

NHS England - 9 March 2023

“1. Thank you for consulting East of England Ambulance Service NHS Trust (EEAST) on the above planning application.

2. Further to a review of the application details the following comments are made in regard to the provision of emergency ambulance services.

3. Existing Healthcare including Emergency Ambulance Service Provision Proximate to the Planning Application Site

3.1 The proposed development is likely to have an impact on the emergency ambulance stations (eg Cambridge and Newmarket) within the vicinity of the application site. EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth resulting from the proposed development to achieve nationally set blue light response times. NHS Digital AmbSYS 2021-22 data shows EEAST response times were at 18.01 minutes for Category 1 (life-threatening calls) compared to the mandated target of 90th centile no more than 15 minutes.

3.2 The proposed development will likely have an impact on NHS funding programme for the delivery of emergency ambulance provision within this area and specifically within the health catchment of the development. EEAST would therefore expect these impacts to be fully assessed and mitigated.

4. Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision

4.1 The development and change of use from fields to housing would give rise to a need for improvements to capacity, in line with emerging Integrated Care System estates strategy which can be met by:

- o Provision of additional medical, pharmacy & IT equipment/digital software to manage the increased number of incidents arising from the growing population in order to maintain mandated ambulance response times and treatment outcomes. The range of equipment includes stretchers, carry chair, tracks, power chair, scoop, spine board, power load, wheelchair, Corpuls (patient monitoring units with integrated defibrillator/pacemaker, ECG etc)
- o Recruiting, training and providing new equipment for additional Community First Responders (CFRs) to support the proposed development and the community as a whole.

4.2 Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £68,680.

Table 1 Capital Cost calculation of additional health services arising from the development proposal
No Dwellings

(maximum of 170 C2 units. The final layout of the scheme and number and distribution of different C2 and C3 affordable unit types will be subject to detailed design at reserved matters stage C3 affordable dwellings) Ambulance Cost* Total 202 £340 £68,680

* EEAST ambulance emergency services cost as submitted to IDP at £340 per dwelling with 2.2 persons per dwelling

4.3 The age profile is important for EEAST as well as the ICB, as people at both ends of the age spectrum consume a disproportionately large quantity of healthcare services and resource). Over 75s are most likely to have multiple long-term conditions and complex care needs. Analysis of EEAST activity from 2019/20 indicates residents aged 65 years and over account for over 1/3 (35%) of Category 1 ambulance activity and 52% of all activity. Those aged 2-18 years account for 15% of Category 1 activity and 8% of all activity.

4.4 EEAST notes from the Flood Risk Assessment the site is in Flood Zone 1 at low risk of flooding.

4.5 EEAST notes within the five-year period 3 incidents were recorded and no road modifications are suggested.

5 Conclusion

5.1 In its capacity as the healthcare provider, EEAST has identified the development will give rise to a need for additional emergency ambulance healthcare provision to mitigate impacts arising from the development.

5.2 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.

5.3 Assuming the above is considered in conjunction with the current application process, EEAST 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.

5.4 The terms set out above are those that EEAST deem appropriate having regard to the formulated needs arising from the development.

5.5 EEAST is 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.

5.6 EEAST looks 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.”

Bottisham Medical Practice – 14 March 2023

“Bottisham Medical Practice is classed as a small semi-rural practice with a list size of just under 6000 patients. The practice already has responsibility to look after patients in Hilton Park, Eden View and Oaklands Nursing Homes and Queens Court

Residential Home. The practice also undertakes a large amount of end of life care in patients homes as well compared to other practices. Our position remains unchanged from the previous planning application which was declined on appeal and I note concern that this application does not commit to the number of units but note the “expected number” would continue to have a significant impact on the practice in its ability to be able to deliver an adequate healthcare service to the local community.

We set out our opposition as follows:

1. Bottisham Medical Practice strongly oppose the proposed development on the basis that it will overwhelm the primary care service provided by Bottisham Medical Practice.
2. The applicant is again still applying for C2 status, defined as ‘Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres’. There is no differing planning class for retirement village; the risk still remains that the residents would need the support of those in a nursing a home would overwhelm the practice.
3. The applicant has not clarified in this proposal as to whether the development will be eligible for NHS continuing care patients. Patients who qualify for NHS continuing care by definition have very high intensity care needs. These are patients who “step down” from hospital and do not “step up” from home. If these were to be marketed to this group of patients it would overwhelm the practice.
4. Local Demand - There is no local demand for residential care home places or other elderly care facilities. There are four elderly care facilities in the local area as set out above and at the time of writing, all have ample vacancies. Although these are not privately owned by the occupants they are elderly care accommodation and the fact the vacancies are so numerous it is of significant relevance as illustrates Bottisham is already over-saturated with elderly care facilities.
5. Excess workload - Bottisham already has too many elderly care housing places that generate excess workload for Bottisham Medical Practice. In the previous application the developer stated that an area requires provision of accommodation for older people at a rate of 4% of the population 75 years and over. We have a population of 786 residents aged 75 years and over and 229 of them are within specialist care. This gives a current rate of 29.1% in Bottisham. We have merged all our elderly care facilities into one figure and not just included extra care accommodation because as far as care needs there is no difference. It is important to note that tenure of property makes no difference to the healthcare requirements of the residents.
6. Bottisham Medical Practice already has a significantly higher percentage of care home residents than other local surgeries (point 36). The proposed development would take us to 7.86% of total patients in specialist elderly housing compared to a current local average of 0.6%.
7. COVID-19 has demonstrated the dangers and severe risk of placing large numbers of elderly people together in close proximity in care facilities. The fact that the residents can self-isolate in their own households provides no protection when the carers move from residence to residence.

8. Funding and viability of the practice - The increased demand, should this development go ahead, will not be met by increased funding, which means that existing services will be cut and the proposed new development residents would be dangerously underserved and the safety of current patients compromised. The new GP contract for the year ahead has not confirmed what or if there will be any support for general practice with service provisions for nursing or care homes and there has been no increase to funding to take account of spiralling running costs and salaries which in real terms means a cut to budgets for general practice who are already in a precarious position. Several practices in the local area have handed GP contracts back which highlights the challenges general practice face and the severe underfunding. This is in addition to the issue of recruiting GPs which is only set to get worse in the years to come as the rate of new GPs is not replacing the number of GPs leaving the profession. It is possible that the addition of another elderly care facility within Bottisham would result in the closure of our list to new patients as a way of protecting the safety of our current patients and potentially the closure of the practice as a whole as it would no longer be viable.

We are disappointed to see this application reappear despite going through several appeals the previous time. The practice would like to understand why the developers are continuing to pursue this small pocket of land to build a development on which is already overwhelmed with elderly care provisions which are currently underutilised.

In summary, Bottisham Medical Practice strongly oppose the proposed development on the basis that it will overwhelm the primary care service provided by the Practice and puts the practice at risk of having to close its list to new patients or ultimately closure of the practice.”

NHS - Cambs And Peterborough Integrated Care Board (ICB) - 16 March 2023

“Development Plan and healthcare provision

The East Cambridgeshire Local Plan (2015) acknowledges the pressure placed on local health services and facilities through high levels of growth and recognises the importance of meeting the needs of local residents. Policy GROWTH 3 confirms that Development proposals will be expected to provide or contribute towards the cost of providing infrastructure and community facilities made necessary by the development, where this is not provided through the Community Infrastructure Levy. This will be through on or off-site provision or through financial payments, and secured via planning conditions or planning obligations (Section 106 agreements).

Existing healthcare capacity

The proposed development has been assessed by C&PICS as having the potential to impact on the services of Bottisham Medical Practice.

Having reviewed the site, building and patient list size, C&PICS can confirm that only a very small amount of capacity is available within the existing health infrastructure (see below):

Premises	Patient List Size ¹	NIA (m ²) ²	Maximum Capacity ³	Existing Capacity (NIA m ²) ⁴
Bottisham Medical Practice	7065	492.5	7,182	8.04

Financial contribution in lieu

Noting the very limited capacity within the existing infrastructure, C&PICS requires the applicant to provide a financial contribution in lieu to be spent on the existing estate to mitigate the incoming population associated with the development by expanding capacity within existing premises. The calculation for this financial contribution is set out below:

	Additional Population Growth (170 C2 bedrooms plus 32 C3 residential units) ¹	Existing Capacity of Health Infrastructure (m ²) ²	Net floorspace required to mitigate impact of proposed development (m ²) ³	Capital required to create additional floorspace ⁴
Proposed Development	383	8.04	22.8	£115,733

C&PICS sought advice from its NHS partner, NHS Property Services Ltd, on recent costs benchmarks for healthcare developments for a single storey extension and refurbishment. Rebased to East Cambridgeshire District Council area using BCIS Tender Price Index (December 2022) - This equated to £5,076 per m² (once adjusted for professional fees, fit out and contingency, but excluding land acquisition).

Specific Development Comments

We also note the separate comments made by the East of England Ambulance Service Trust on this application.

EEAST and the C&PICS have developed some specific design requirements for new care home development to minimise the impact on Ambulance and primary care services, which we would request are included as part of the detailed design stage, and is included here for advanced notification. This is in addition to the specific S106 requests.

New care homes in this locality should include:

- o At least one emergency lifting device with a preference of one per floor. These inflating devices are designed to lift the frailest individual up to a bariatric patient from the floor in a safe and dignified manner minimising the risk of injury to both the fallen individual and the person lifting them. This device will enable care home staff to aid uninjured residents back into their chair/bed and thereby reduce the number of attendances from ambulance service.
- o At least one Automated External Defibrillator should be installed with a preference of one per floor

o Incorporate parking provision of for at least one emergency ambulance and patient transport vehicle is provided (minimum 10.6m in length and 4m in width) ideally with 2 EV charging points.

o Where lifts are to be installed, request these are of a suitable size to enable a patient to be safely transported by stretcher and accompanied by 2 medical personnel alongside the stretcher (a minimum internal of 2.6m x 1.6m is required). The lift should be fire-proofed to the appropriate standard to ensure evacuation during a fire or other emergency situation.

We would be happy to discuss this in more detail as required.

Conclusion

As above, C&PICS make a request for direct mitigation by means of a Section 106 financial contribution of £115,733 - to be spent on increasing capacity of existing health infrastructure within the locality by means of extension and refurbishment works.

To confirm, and in accordance with national policy and guidance, we consider the above mitigation

request to be necessary to make the development acceptable in planning terms, directly related to

the proposed development, and fairly and reasonably related in scale and kind.”

Cambridgeshire County Council - Care Homes - 22 March 2023

“The demand profiles for East Cambs do indicate a need for additional capacity for care home beds (an additional 75 by 2036 i.e. a modest increase of just under 12%). In terms of extra care, based on the county council's current accommodation needs assessment, an additional 164 units will be required by 2036 across the district. However, Bottisham has not been highlighted as an area where significant population growth is expected. There is already considerable provision of residential care in the village and additional provision has the potential to exacerbate staffing and recruitment pressures. If additional detail on what the proposed scheme would deliver becomes available, we would be very happy to review our response in light of this.”

Housing Section - 14 March 2023

“The Strategic Housing Team does not currently support the above application as the proposed site is located outside of the development envelope and therefore cannot be brought forward unless as an exception site in line with Policy HOU 4. In principle, however, the proposed scheme will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 30% affordable housing on the site as a whole. The precise number of dwellings is yet to be determined and full details will be agreed at Reserved Matters Stage.

Developers will be encouraged to bring forward proposals which will secure the affordable housing tenure as recommended by the most up to date SHMA at 77% rented and 23% intermediate housing.

Detailed discussions are recommended with the developer prior to submission of the reserved matters application in order to secure an affordable housing mix that meets the housing needs of the area. Early indications suggest that we will be requiring an affordable housing mix of one to five bedroom homes on site.

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 Described Space Standards. Please see link: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard____Final_Web_version.pdf

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

1. That 30% 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 affordable dwellings are not clustered in parcels larger than 15 dwellings as this will help to create a balanced and sustainable community, unless there are exceptional reasons why this is not possible.
8. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
9. That occupation will be in accordance with a nomination agreement.
10. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants."

Minerals And Waste Development Control Team - 15 March 2023

"The site lies within a Chalk Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. Policy 5 sets out a number of exemptions (criteria (a) - (h)), for when Policy 5 is not applicable, none of which relevant in this case. It then goes on to set out that that development will only be permitted in certain circumstances (criteria (i) - (k)). The application documentation does not appear to make any reference to the safeguarded minerals, or Policy 5. Consequently criteria (i) - (k) have not been demonstrated, leaving criterion (l), which states that:

"development will only be permitted where it has been demonstrated that there is an overriding need for the development (where prior extraction is not feasible)

***"

The Contaminated Land report submitted with the application identifies the

presence of both chalk and sand. The MWPA notes that within the County that the safeguarded chalk resource is abundant and that prior extraction is likely to prove difficult, and that the layer of sand above the chalk on the site is relatively shallow. In this content, should the Planning Authority be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed, subject to the following informative being included in any permission:

"The borehole reports contained within the Contaminated Land report identifies that there may be an underlying sand resource. In this instance, the Planning Authority considers that complete prior extraction is unlikely to be feasible and that there is an overriding need for the development. Prior extraction of the resource has, therefore, not been required in this instance. However, the applicant is encouraged to make best use of any sand that may be incidentally extracted as part of the development."

ECDC Trees Team - 29 March 2023

"No tree related objections to this application though soft landscaping would be a key element to aid the integration of any development into the landscape. As part of any landscaping scheme suitable fencing round the mature trees with veteran characteristics should be considered so as to prevent safety related pruning that may diminish the trees amenity and ecological value. it would also be better if T8 the Veteran Field Maple were provided with greater separation from the proposed roadway due to its age and value to the landscape, Natural England and the Forestry Commission states that veteran trees require a buffer equivalent to 15 x stem diameter (at 1.5m) or the canopy spread +5m (whichever is greatest)."

CPRE - 23 March 2023

"The Cambridgeshire and Peterborough Branch of the Campaign to Protect Rural England (CPRE) strongly object to this planning application for the following reasons.

Green Belt and Landscape

1. The proposed development is situated in the Cambridge Greenbelt and is therefore contrary to the National Planning Policy Framework and Policy ENV10 of the East Cambridgeshire District Council's (ECDC) adopted 2015 Local Plan.
2. CPRE is unconvinced by the applicant's seven documents entitled "*Green Belt Assessment Parts 1-7*". The Cambridge Green Belt is under constant threat from major and minor encroachments yet it is recognised as being fundamental to the setting of the City of Cambridge. Additionally, this particular part of the Green Belt is of great significance to the character of this area of the village of Bottisham. In our view the harm to the Green Belt within the vicinity of Bottisham would be Major. The harm to the wider Green Belt would be Moderate.
3. The Cambridge Green Belt is very small in relation to the City of Cambridge, the character and setting of which it protects. It is already under severe threat of development arising from the emerging new combined Cambridge & South Cambs. Local Plan, from developers and from utility companies such as Anglian Water. CPRE considers that, in order to maintain the character and setting of Cambridge, every effort must

be made to ensure its continuation in accordance with National Planning Policy Framework Para 133, which states: *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their **permanence.**”* (CPRE highlighting).

- 4 CPRE are surprised by the following statement:

*“National Green Belt purpose 5 encourages the redevelopment of urban land rather than the development of Green Belt land. The applicant has undertaken an Alternative Sites Assessment with a view to establishing whether any suitable sites for the proposed development which are not within the Green Belt are available. This includes considering derelict and underutilised brownfield land with potential for redevelopment. **No suitable, available and deliverable alternative sites have been identified so, in the context of National Green Belt purpose 5, it is not possible to encourage urban regeneration by locating the proposed development on an alternative site. Consequently, the proposed development is not in conflict with National Green Belt purpose 5.**”* (CPRE highlighting).

This applicant and the applicant’s consultant are fully aware that major brownfield site developments are planned and/or in progress in the Cambridge area at Northstowe near Longstanton, Waterbeach and Bourn Airfield. Each of these sites could readily include or could still include a “retirement village” of this size. Other developments are also planned or in progress, such as the East Cambs. Community Land Trust at Kennet, which could include retirement housing of this kind. CPRE can only conclude that, despite unnecessarily listing a high number of too small sites, the applicant has not looked sufficiently far or negotiated very hard.

5. CPRE notes that Natural England Maps show that the site sits within the National Character Area No 87, East Anglian Chalk, of uninterrupted landscape of smooth rolling chalkland hills with large regular fields enclosed by low hawthorn hedges with few trees, straight roads and expansive views to the North. The built environment of the village transitions to a gradual reduction of buildings into the landscape creating a greater sense of openness and space. This development would create a hard barrier between the village and countryside and damage the existing gradual transition between the village and its setting.
- 6.. The parkland at Bottisham Hall is clearly visible across this area of open countryside. Historically, this parkland stretched southwards from Bottisham Hall to include Bottisham House and Paul’s Farm, both on the High Street. In recent times the meadow area was part of the estate of Bottisham House and the remaining indigenous trees are now protected. Bottisham Park County Wildlife site is within 2km of the site. Clearly, this is a location of significant landscape importance within the Cambridge Green Belt and every effort should be made to protect it and not to damage it by inappropriate development.

Heritage

7. The Heritage Grade II listed building Bottisham House and Clairvoyee abuts the proposed site. The Clairvoyee is important in the setting as by

definition it forms a gap in a garden wall, hedge or fence through which a scenic view can be observed. Clearly this scenic view will be obscured. The proposed building heights of 12 metres shown in the height and land use plan would be overbearing on the Grade II listed building. The proposed development is contrary to Policy ENV12 of the adopted 2015 Local Plan. The nature of the high-rise design is contrary to Policy ENV2 of the adopted 2015 Local Plan.

8. CPRE notes that Bottisham House sits within classic Parkland on the site rather than 'fields' as identified by the applicant.
9. The requirement to raise the land by way of site profiling to accommodate SUDs will further exacerbate the overbearing effect of the development on Bottisham House and Clairvoyee. It will also be overbearing on the built area of Bottisham village and the adjoining rural chalk landscape. The setting and key views of Bottisham House and Bottisham Place Farm, the historic approach to the village, will be seriously damaged.
10. The site is close to other designated heritage assets, including the Grade II listed "The Grange" and a group of Grade II listed buildings at Bottisham Place. The Southern part of the site extends into the Bottisham Conservation Area and is not in keeping with the existing village character. The proposed development is contrary to Policy ENV11 and Policy ENV12 of the adopted 2015 Local Plan.

Local Plan

11. The proposed retirement village is situated outside the development envelope of Bottisham village and is contrary to the adopted 2015 Local Plan.
12. East Cambridgeshire is able to demonstrate a five-year land supply without the inclusion of this site which is therefore contrary to the 2015 Local Plan.
13. CPRE note that in order to manage drainage of the site, swales are being proposed close to a playground and are concerned about the safety of users. CPRE also note that there is the possibility of a balancing pond to the South of the development in a proposed public open space. This will reduce the amount of green space available for public use. It is unclear if the attenuation and land profiling has been commented upon by the local Lead Flood Authority. It is also unclear if the issues raised by the Environment Agency have been responded to by the applicant.

Transport

14. CPRE are concerned that the illustrative masterplan submitted with this Outline application assumes 170 units of C2 accommodation would be provided on site, with 106 car parking spaces to serve staff, visitors and more able residents. This is less than the previous application which allowed only 140 car parking spaces for the 170 C2 dwellings on the site. It does not adequately consider the full number of care workers, visitors or other personnel working on the site. The proposed access to the site is on a bend and close to the primary school. CPRE is concerned by the effect upon traffic flows especially at peak travel times. The proposals appear contrary to Policy COM 8 of the adopted 2015 Local Plan.

15. The regularity of local bus services is unclear, as is the applicant's intention regarding the proposed shuttle bus. If the application is approved, the provision of sustainable travel to and from the site should be ensured by Conditions or S106 Agreement. There appears to be an assumption that residents will be physically fit enough to walk to existing shops, surgery and other village services. This may not be the case. The proposals appear contrary to Policy COM7 of the adopted 2015 Local Plan.

Health Services

16. CPRE notes and supports the comments made by Bottisham surgery which, as previously, appears not to have been consulted regarding this application. It is important that new and existing residents have full access to medical services.

17. CPRE notes that Cambridgeshire and Peterborough Integrated Care System and NHS Property Services have set out property design requirements and are seeking developer contributions of £115,733 – *to be spent on increasing capacity of existing health infrastructure within the locality by means of extension and refurbishment works*, to ensure provision of adequate medical services. Policy COM4 of the adopted 2015 Local Plan refers.

Minerals & Wastes

18. CPRE notes the comments made by the County Council Minerals and Waste Team that the issue of mineral safeguarding does not seem to have been sufficiently addressed.

19. This site is likely to generate significant amounts of biologically contaminated medical waste in addition to normal household waste. We are unable to determine whether the storage, collection and disposal of this potentially hazardous material has been adequately addressed by the applicant. This is concerning not least because of the significantly rising waste collection costs that the District Council is already incurring.

Ecology

20. CPRE note and support the comments made by the Wildlife Trust that *“the predicted Biodiversity Net Gain for habitats of this scheme is 8.64%, which is below the minimum 10% that East Cambs DC are aiming to achieve.”* Clearly, when the climate change and development continue to have severe impacts on bio-diversity, this matter must be addressed.

Conclusions

- CPRE fully supports the objections to and comments about this application previously submitted by residents, Bottisham Parish Council and local District Councillors.
- CPRE fully supports the Planning Inspectorate's Dismissal of Appeal ref: APP/V0510/W/18/3210766, relating to 187, High Street Bottisham, the current site, dated 19th February 2019 and development on designated Greenbelt land.
- CPRE fully supports the Planning Inspectorate's Dismissal of Appeal ref: APP/V0510/W/21/3282241, relating to 187, High

Street Bottisham, the current site, dated 7th April 2022 and development on designated Greenbelt land.

- CPRE notes that ECDC currently demonstrates a 5-year land supply. This retirement village is not in keeping with the National Planning Policy Framework or the adopted 2015 Local Plan regarding the exceptional development of Greenbelt land.
- CPRE considers that this application is for an inappropriate development that will cause severe and lasting damage to the local landscape and to the village character of Bottisham. CPRE requests that this application be refused.

CPRE is seriously concerned that this is the third time that an essentially very similar application is being made for this site within a very short time period. This is not making best use of professional local authority resources.”

Stow-Cum-Quy Parish Council - No Comments Received

Waste Strategy (ECDC) - No Comments Received

Cambridge Ramblers Association - No Comments Received

Environment Agency - No Comments Received

Lead Local Flood Authority - No Comments Received

Cambridge Ramblers Association - No Comments Received

Conservation Officer – No comments received

5.2 A site notice was displayed near the site on 27 February 2023 and a press advert was published in the Cambridge Evening News on 2 March 2023.

5.3 Neighbours – 151 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Park Estate (Bottisham) Residents Society Ltd. –

“Please be correctly and legally informed that the very narrow strip of land across the end of Rowan Close belongs to no-one other than Park Estate (Bottisham) Residents’ Society Ltd. It lies within the curtilage of said estate and, since plans were drawn up delineating the boundary of the estate (early 1960’s), has been maintained by the estate, its residents/owners and through annual fees paid towards the purpose. The anomaly arose at the outset when the developer/s and East Cambs Planning Department erroneously overlooked the obviously and logically correct line - a straight one between the gardens of the flanking properties. Please pay due regard to this situation - through our maintenance over the years, the Estate has demonstrated ‘ownership’ of this strip”

(Provided additional comments) Showing land registry details.

(additional comments) Objects to the development on the grounds of:

1. No vehicular access to proposed social housing.
2. Highway safety concerns.
3. Highway capacity.

5 Ancient Meadows, Bottisham – Objects on the following grounds:

1. Green Belt.
2. Village has sufficient care homes.
3. Impact on GP.

58 Ancient Meadows, Bottisham – Objects to the proposal on the grounds of:

1. Already 3 care homes in Bottisham, current/future need is covered.
2. 50 new affordable homes being built that cover current/future need.
3. Site is Green Belt and proposal does not meet the exceptional needs criteria for Green Belt.
4. Not in proportion to the facilities that Bottisham provides.
5. Detrimental impact on GP.
6. Creates segregated communities
7. Scheme does not provide play areas/allotments.
8. Application has already failed.
9. Waste of time for Parish and District Councils.
10. Existing ongoing developments of affordable housing on Bell Road are widely accepted.

6 Amber Close, Bottisham – Objects on the grounds of:

1. Site is Green Belt.
2. Detrimental to village and residents.
3. Village already has a disproportionate number of care homes.
4. Impact on GP.
5. Lack of bus service.
6. Additional pressure on schools.
7. Water/sewerage at capacity.

8 Arber Close, Bottisham – objects to the proposal

1. Impact on medical practice
2. Increase in traffic
3. Impact on Green Belt

9 Arber Close, Bottisham – objects to the proposal

1. Impact on the medical practice with more residents
2. Challenging recruiting people to work in care facilities in Bottisham
3. There is no identified need for retirement flats

11 Beechwood Avenue, Bottisham – Objects on the grounds of:

1. Application is a gross abuse of planning system.
2. Unnecessary development in the village.
3. Additional pressure on GP and dental services.
4. Lack of public transport.
5. Significant increase in parking and traffic.
6. Harm nature of village.

17 Beechwood Avenue, Bottisham – objects on the grounds of:

1. Impact on the Green Belt and ecosystem
2. No need for such accommodation in this location
3. Increased traffic
4. Impact on the Doctors surgery
5. Impact on the village

19 Beechwood Avenue, Bottisham – States the Inspector refused the application due to it being in Green Belt. The proposal remains one that should not be on Green Belt. Site should remain fields.

(further submission) Objects on the grounds of:

1. Green Belt should be protected.
2. The Alternative Site Assessment is flawed as this site should not have been included.
3. Village already has two elderly care facilities.
4. Insufficient staff to work at elderly care homes.
5. Bell Road already providing affordable homes.
6. Traffic generation.

21 Beechwood Avenue, Bottisham – Objects on the grounds of:

1. Site is Green Belt.
2. Impact on biodiversity.
3. Local doctors surgery would be severely impacted.
4. Anglian Water states sewage capacity is at maximum.
5. Increase in traffic.
6. Development already allowed at Bell Road.

23 Beechwood Avenue, Bottisham – objects to the proposal

1. For the same reasons as last time

25 Beechwood Avenue, Bottisham – Provides a detailed letter objecting on the grounds of:

1. “The new submission includes a review of other potential locations for a retirement care village, but the methodology and conclusions are both flawed and biased. Excluding land that is controlled by other developers is in direct contrast to the aims of the study. Perfectly suitable sites for a retirement care village have been excluded, just because the developer who paid for the study does not control the land. This is effectively the same as excluding all land not owned by the landowner of current proposed site. They also exclude perfectly viable sites just because they are not able to meet an arbitrary and artificially short time frame for delivery.”
2. Village already has care homes with capacity to take on additional residents.
3. “They exclude land that is under 3.5 hectares as it is not deemed to be suitable for “the optimum operational size”, but that does not mean that sites below this size are unviable.”
4. Sewage network is at capacity.
5. Will lead to a detrimental impact on GP and existing patients.
6. Detrimental harm to Green Belt.
7. Detrimental harm to biodiversity.
8. Will add to congestion.

9. Parking and highway safety issues.

27 Beechwood Avenue, Bottisham – Objects on the grounds of:

1. No very special circumstances to build on Green Belt.
2. Village is already served by two care homes.
3. No need to build starter homes on this site.
4. Impact on village services and infrastructure

41 Beechwood Avenue, Bottisham – Raises the following concerns:

1. Development in Bottisham should meet with relevant policies.
2. Just because there is need for development, does not justify it being built on Green Belt. Other sites should be explored.
3. Bottisham already provides significant residential care.
4. Proposal would provide further burden on medical facilities.
5. Proposal would further imbalance the proportion of elderly within the village.

49 Beechwood Avenue, Bottisham – Objects on the grounds of:

1. Village already has two excellent two care homes.
2. Additional elderly care should not be placed here.
3. Farm land in Green Belt should be protected.
4. Highway safety and parking problems.

67 Beechwood Avenue, Bottisham – Objects to the application on the following grounds:

1. Site is Green Belt and farm land should be preserved.
2. Village already has a high proportion of elderly residents due to two nursing homes and one care home.
3. Parking and congestion.
4. Highway safety.
5. Already good leisure facilities within the village.
6. Proposal would overwhelm village.
7. Bell Road development already providing housing and play facilities. There are also additional play facilities that can be used by general public at the primary school.

7 Spring Lane, Bottisham -

“strongly against this proposal; for a number of reasons: 1. We already have 2 care homes in our village. 2. The few facilities we have would be further strained. 3. This space could be much better used to provide the area with much needed activities or other facilities. 4. We are already lacking diversity in the area. The village is already mainly consisting of elderly folk. (I say this as one of the few under 30's in the village!)”

Is seeking that available land is used for facilities such as gym or café.

18 Spring Lane, Bottisham – objects to the proposal;

1. No special circumstances for this type of development in the Green Belt.
2. Impact on local services
3. Lack of capacity in the sewers
4. A retirement care village is unsustainable
5. The Doctors surgery and ability to cope with additional patients

6. Additional traffic on the High Street.

1 Rowan Close, Bottisham – Provides a very detailed letter objecting to proposal on the grounds of:

1. Detailing how the site became Green Belt.
2. That the developer's evidence in regards to demand in market area is heavily skewed in favour of the developer. "the figures that were given had made the proposed site beyond the preferred moving distance for most of the people in the ECDC Area."
3. Relevant housing with extra care elsewhere, either built or planned.
4. Struggled to access Council website.

4 Rowan Close, Bottisham – Objects to the proposal, village already has two care homes. Proposal would harm both their privacy and tranquillity.

Would place an unreasonable burden on GP.

Would lead to a change in character and loss of agricultural land.

Raises road safety and parking concerns.

Harm to ecology.

(additional response) – Will harm landscape, ecology, character and residential amenity.

52 High Street, Bottisham – Objects on the following grounds:

1. On Green Belt.
2. Already four care homes in the village.
3. Overwhelmed GP service.
4. Detrimental impact on wildlife.
5. Increase in traffic.

58 High Street, Bottisham – objects to the proposal

1. There is no need for further residential care facility in Bottisham
2. Impact on the medical centre with additional patients
3. Impact on the green belt
4. Maintain the open space
5. Increase in traffic

76-78 High Street, Bottisham – Objects to the proposal.

States the application in question is simply a re-submission of the previous one, and questions the legitimacy of this.

Continues to state:

"The Green Belt must remain sacrosanct. Bearing in mind that only 3% of the land within the ECDC area is in the Green Belt, this must be protected at all cost. It is ludicrous to argue that, even if there was an identified need for a Retirement Village, there is no suitable alternative site within the principal development areas within ECDC. The applicant seems to have deliberately

ignored the fact that an identical development is going ahead at Stapleford, only 7 miles from Bottisham, albeit under a different District Council. We would argue that there are no exceptional circumstances to support this development on Green Belt”

Bottisham already has three care homes, so there is no need for a fourth. This application also only caters for the rich elderly, not those who are vulnerable.

States that development off Bell Road, Bottisham has commenced, (refs 16/01166/OUM and 22/00984/RMM refer) providing a new estate of 50 homes, all of which will be affordable.

Proposal would detrimentally harm the GP, who would not be able to cope with additional workload.

Proposal would lead to reduction in highway safety, while raising air pollution.

Proposal would harm the character of Bottisham.

Bottisham already has unbalanced population and needs more young people.

181 High Street, Bottisham – objects for the following reasons;

1. Increased pressure on NHS/Social services
2. Play provision/Public Open Space does not meet needs of the community
3. Lack of affordable housing in the right location
4. Increase in traffic
5. Water and sewer lack of capacity
6. Impact on wildlife
7. Light pollution
8. Overlooking and loss of privacy
9. Noise and disturbance
10. Inaccuracies in the documents submitted.

183 High Street, Bottisham – objects for the following reasons:

1. In balance in the population of Bottisham
2. Many facilities are stretched
3. Lack of public transport
4. Increase in traffic and parking pressure near facilities
5. Current medical facilities are inadequate

(additional comment) Objects on the grounds of:

1. -Increased pressures on NHS resources & Traffic
2. Play provision & Public Space does not go far enough to address needs of the community
3. Provision for social housing against ECDC requirements
4. Pressure on an capacity Water & Sewage system
5. Impact on local wildlife and Light Pollution
6. Proposed development will overlook our home and cause loss of privacy
7. Impact of neighbouring properties during proposed building work

8. Supporting documentation concerns – lack of community consultation, biodiversity net gain below 10%, master plan does not show affordable housing and bus service has now reduced.

2 Cedar Walk, Bottisham – Provides detailed objections on the grounds of:

1. Intrusion into the Green Belt.
2. Need for the development/questioning the Alternative Site Assessment.
3. Impact on the medical facilities.
4. Highway safety.

(additional comments) Asks for an explanation of appeal for non-determination.

4 Cedar Walk, Bottisham – objects to the proposal

1. Loss of farming land in the green belt
2. Increase in traffic
3. Design of social housing is not necessary
4. Overlooking
5. Overshadowing
6. Noise
7. Water displacement
8. Lack of engagement from the developers
9. Brownfield sites should be a priority for development

(additional comments) – objects on the grounds of:

1. Loss of Green Belt
2. Harm to biodiversity.
3. Need for care is already covered by existing units.
4. Lack of contact/consultation by developer.
5. Secretary of State requires development to be supported by the local community and be beautiful.

6 Cedar Walk, Bottisham – Objects on the grounds of:

1. Outside village framework and on Green Belt.
2. Already two care homes in the village.
3. Traffic generation.
4. Bottisham Medical Practice is already at capacity.
5. Loss of green space.
6. Harm to residential amenity.
7. Loss of view.

7 Cedar Walk, Bottisham – Provides detailed comments in regards to:

1. Ground water flooding and soakaway of surface water
2. Green Belt/Local Plan
3. Need for retirement village in Bottisham
4. Layout/Plan of Site
5. Travel Plan
6. Construction Period

“we would support the development of the site if it could be demonstrated that it is able to meet a pressing social requirement for housing in the village, as per the local plan. Unfortunately, we do not feel that the developer’s application

comes close to this in its current form, not to mention the number of outstanding questions. For this reason, we would like our objections to the application to be registered.”

8 Cedar Walk, Bottisham -Objects to the developer on the grounds of:

1. The developer seeking to wear down the public.
2. Village already has a high proportion of elderly.
3. Retirement village unlikely to be successful.
4. Other land in East Cambs that could be used.
5. Additional car movements.
6. Impacts of surface and foul water will lead to a strain on infrastructure.
7. Harm to residential amenity (loss of privacy).

10 Cedar Walk, Bottisham – Objects on the following ground:

1. Current GP already struggling.
2. Bell Road development is providing affordable housing.
3. Other developments providing affordable housing around Cambridge.
4. Impact on biodiversity.
5. Increase in traffic.
6. No benefits locally.
7. Impacts on residential amenity.
8. No substantial changes from 20/00296/OUM application

12 Cedar Walk, Bottisham – Objects to this proposal on the grounds of:

1. The County Council’s Adult Commissioning Team consider there to be significant provision in local area.
2. Affordable housing being met in site allocation BOT1.
3. Additional development to allow housing further exacerbates harm.
4. No exceptional circumstances are demonstrated.

14 Cedar Walk, Bottisham – Objects on the grounds of:

1. Additional strain on the GP.
2. Impact of the Bell Road Bottisham development.
3. East Cambridgeshire has little Green Belt land.
4. Developer seeking to wear down objectors.

18 Cedar Walk, Bottisham – Objects on the same ground as previous application: “it is green belt land; our local services including GP practice, roads, sewage, schools etc will not cope”

(further comment) Objects to the development on the grounds of:

1. Harm to residential amenity.
2. Traffic generation.
3. Harm to biodiversity.
4. Put further strain on local services for instance GP.
5. Harm to the character of the area.

22 Cedar Walk, Bottisham – objects to the proposal

1. Impact on the green belt
2. Air, light and noise pollution
3. Impact on birds, bats and other animals

4. The care homes that exist in Bottisham are not fully occupied
5. Pressure on the medical practice
- 6.

24 Cedar Walk, Bottisham – Proposal would encroach on Green Belt, which is needed for ecological grounds and to control emissions.

There is already provision of affordable housing within the village.

There is already three care homes within the village and Bottisham Medical Practice cannot cope currently.

29 Cedar Walk, Bottisham – Objects to the proposal on the following grounds:

1. Why has the applicant been allowed to submit this application again.
2. Detrimental harm on the already strained medical practice.
3. Harm to the character of the countryside.
4. Traffic generation and car parking demand.

31 Cedar Walk, Bottisham – Objects to the proposal on the following grounds:

1. Bottisham has two care homes already.
2. Detrimental harm to the existing medical facilities in Bottisham.
3. Site is Green Belt.
4. Would increase traffic problems within the village and on major commuter routes.
5. Bell Road will add additional affordable homes.
6. Any development provided open space will be disappointingly small.
7. Proposal's residents would be dependent on wealth.
8. Village College's sports centre is increasing its outreach and provision.
9. This re-application is a waste of the district council's time and resources.

3 Downing Close, Bottisham – objects

1. Impact on public services
2. Negative impact on the character of the village
3. Lack of special circumstances for development in the green belt
4. Impact on the medical practice and the additional pressure.

19 High Street, Bottisham – Objects on the grounds of:

1. Car parking.
2. Site is Green Belt.
3. Flood Risk.
4. Biodiversity.
5. Impact on local GP.
6. Will continue to place a strain services and amenities. Reducing quality of life.

65 High Street, Bottisham – Objects on the grounds of:

1. "do appear to have reached a point where further increase will become closer to current capacity in terms of the environment, services, particularly waste disposal/sewage, health care, education and the road/footpath/cycleway network. And I'm unclear how close we are to current capacity"
2. Already a large development at Bell Road.

3. Similar development in Newmarket.
4. Will lead to an increase in both young and old people.
5. Bottisham is just starting a neighbourhood plan.
- 6.

90 High Street, Bottisham – Objects on the following grounds:

1. Village already has three care homes.
2. Highway safety.
3. Bell Road development is already providing sufficient housing.
4. GP is already overwhelmed.
5. Loss of ancient meadow and Green Belt.

94 High Street, Bottisham – Objects to the proposal and supports fully the comments raised by another resident.

95 High Street, Bottisham – objects to the proposal

1. Site is in the green belt
2. Pressure on the medical centre

A second occupant wrote in to object to the proposal. Questions why the developer is building on the Green Belt and not on brownfield sites. Bottisham is already getting a large amount of development and has sufficient number of care homes. Bottisham medical facility is running above capacity. Finally raises highway safety concerns.

130a High Street, Bottisham – Objects on the grounds of:

1. Village already has two care homes, it does not need a retirement village.
2. Bottisham already experiencing development to address housing need.
3. Harm to biodiversity.
4. Impact on services.

141 High Street, Bottisham – Objects to the proposal on the following grounds:

1. Green Belt land has been used to provide affordable housing on Bell Road (site allocation BOT1).
2. “applicant’s mitigation measures and their revised Alternative Site Assessment (ASA) model are not sufficiently robust to justify the ‘very special circumstances’ required.”
3. Site does not have good access to services/facilities and on this basis fails to meet HOU4.
4. “Three very popular Residential Care Homes are already hosted by the village – Queen’s Court, Hilton Park and Eden View - to add a fourth would create unsustainable pressures on the already overstretched local infrastructure and amenities and create a social cohesion imbalance in the form of age”
5. BOT1 allocates sufficient affordable housing.
6. HOU6 requires residential care accommodation requires the design/scale should be appropriate for its setting.
7. Inspector refused the application on harm to the Green Belt.

(additional comments) Provides comments on:

1. No perceived exceptional reason why Green Belt should be built upon.

2. Bell Road should accommodate growth.
3. Does not conform with Local Plan.
4. Refers to COM4 (some of the text is not readable).
5. Transport impact. Road and pedestrian safety will be compromised.
6. Questions the Transport Assessment.

143 High Street, Bottisham – Objects on the grounds of:

1. Green Belt land.
2. Another retirement village is not necessary.
3. Impact on amenities.
4. Development on Bell Road.
5. Access onto High Street.

161 High Street, Bottisham – Provides a detailed objection on the following grounds:

1. The exceptional circumstances that allow development on Green Belt is not met by this resubmission. Stating the developer “On the one hand they take pains to distance this proposed establishment from a care home, for which they presumably know there is no shortage. Yet they would like this non-care home to enjoy the same exception status as a care home. It would seem that this stance is engineered to have the best of both worlds – to avoid being classified as a care home and hence nullify the objections that there is no need for more in Bottisham, and at the same time, be sufficiently similar to a care home to claim exceptional circumstances to build on Green Belt.”
2. This development on ECDC’s only Green Belt contravenes policy HOU6 of the current Local Plan 2015
3. Need of affordable housing being met by Bottisham Parish Council. “Bottisham has responded accordingly to the need for affordable homes and approved the development of such homes adjacent to Bell Road”.
4. Severe impact on life of current and future stakeholders. This is made in relation to traffic, harm to residential amenity and harm to biodiversity.

163 High Street, Bottisham – Objects to the proposal on the following grounds:

1. Given the dismissal of the appeal on strong grounds, which are not addressed by this appeal.
2. Bottisham does not have the capacity for either this level of dwellings or care home. Already two care homes and an over stretched GP service.
3. Would lead to additional road congestion and air pollution.
4. Would be detrimental to biodiversity.
5. Would be detrimental to residential amenity.
6. Green Belt would lose 8.4 hectares of productive farm land.
7. Detrimental to the character of Bottisham.

165 High Street, Bottisham – Objects to the development on the grounds of:

1. Bottisham Medical Practice is out capacity.
2. Add substantial burden to Bottisham facilities and infrastructure.
3. No exceptional circumstances to build in the Green Belt.
4. A third retirement village not needed in Bottisham.
5. Bottisham already gaining affordable housing Bell Road.

Provides previous objections from previous residents of this property.

179 High Street, Bottisham – Provides detailed comments on the principles of:

1. Big Developer vs Local Democracy
2. Harmful Effects on Bottisham - Further detrimental Urbanisation and loss of openness.
3. “The applicant has sought to show that there is nowhere else that a Retirement Village on this scale could go. Even if this is true for East Cambs at this particular moment, such developments do not aim to meet local needs – they are simply occupied by those who can afford it”

“In summary the case has been not been made that the damage to Bottisham and the loss of amenity of its residents is less important than the provision of a retirement village in this location. The applicants propose harmful inappropriate development that would harm the openness and permanence of the Green Belt and the open countryside. The site should not be developed. The application should be refused for all the same reasons that earlier versions have been refused.”

181a High Street, Bottisham – Is concerned over the application:

1. Parking and highway safety concerns.
2. Presume on local services, specifically GP.
3. Impact on utilities.
4. Already approved development in Bottisham will effect highway safety, services and utilities.

Populars Lodge, High Street, Bottisham – Raises concerns in regards to:

1. Sewage network at capacity.
2. Impact on biodiversity
3. Highway safety
4. Harm to the conservation area.

Concludes:

“It is my repeated belief that no special case for building on protected land has been demonstrated by the applicant’s revised Alternative Site Assessment model, or by the restated Biodiversity Impact Assessment model. Furthermore, it is my opinion that some preconceptions exist in some of the comments submitted by certain Consultees. In general the application site conflicts with and is at odds with many ECDC Growth and Environmental Policies, in particular GROWTH2 and ENV10. Neither does the proposed development fulfil a village need for, or a shortage of, Residential Care facilities or Affordable Dwellings in accordance with Housing Policies HOU2, HOU3, HOU4 and HOU6. The response from Cambridgeshire County Council – Adults Commissioning Team (Consultee) is on record as stating, *“In East Cambs there is no waiting list for extra care provision and this is not uncommon. There is already significant provision for residential care in the village (Bottisham)...* Moreover, BOT1 is a ‘designated site’ in Bottisham for Affordable Housing. A district wide need should be accommodated as directed in the Local Plan.

Any development on this part of the Green Belt, and outside of the Development Envelope in the open countryside, must surely be considered harmful and inappropriate development that would impair the openness and permanence of the Green Belt and the sweeping countryside beyond. It would

create untold damage to an area and a vista described as having 'high landscape value' resulting in a harmful urbanising incursion into the Green Belt and into this sensitive rural setting - collectively diminishing the site's current contribution to the wider biodiversity of the rural landscape. The application therefore fails in all respects to provide for the 'very special circumstances' as directed by Paragraph 148 of the Framework."

(additional letter) – Provides detailed comments on Anne James's screening opinion.

4 Thomas Christian Way, Bottisham – Objects to the proposal on the grounds of:

1. Overwhelmed GP
2. Affordable housing need is covered by the Bell Road development.
3. Highway safety concerns
4. Village already has 3 care homes.
5. Unsustainable development.

4 Maple Close, Bottisham – Objects to the proposal on the grounds of:

1. Village already has two care homes.
2. Raises access, parking and congestion concerns.
3. Impact on wildlife.
4. Flood risk.
5. Sewage capacity.
6. Impact on GP.

8 Maple Close, Bottisham - Objects to the proposal on the following grounds:

"I can not see any justification for a retirement village in Bottisham. We are already home to Hilton Park, one of the largest care homes in the East of England, as well as Queen's Court which has both residential and specialist dementia facilities."

"This site is arguably the most picturesque place in Bottisham. It is part of a traditionally rural corner of the village which includes a conservation area. The beautiful grass meadow provides the foreground for a countryside vista which extends to the neighbouring village of Swaffham Bulbeck and to Nine Mile Hill."

"The meadow provides a home for a host of wildlife. Surrounding it with buildings and driving a road and traffic through it would no doubt damage this natural habitat."

"There is nothing in the details of the application which demonstrates sufficient evidence that this constitutes the 'very exceptional circumstances' required to justify breaching this specific part of our protected green belt. There are significant differences between this application and the recently approved Stapleford proposal, where approximately 80% of that site is designated as a country park which in turn offers an acceptable environmental and biodiversity gain. The Bottisham site does not."

Raises concern in regards to utilities, highway safety, impact on GP and distance to services.

9 Maple Close, Bottisham – Makes reference to a nearby approved care home in Stapleford, stating:

“Most obvious is the provision for a new 50acre Country Park in the Stapleford application. Approximately 80% of the Stapleford site is designated as a new Country Park. The appeal inspector put significant weight on the benefits of this Park, both environmentally, with a biodiversity net gain of 234%, and for the recreational use for the general public. Bottisham includes no Country Park and no such biodiversity net gain. The appeal inspector accepted that the gains from the Country Park wouldn't happen without the entire application, as one funds the other. The Stapleford site is overall a very generous site, Bottisham not so.”

Continues to argue that if more care homes approved in Green Belt, then how is it an exceptional case.

The proposal will damage the character and openness of the area, which define the Green Belt.

There are many more sites nearby that could be found if the developer wanted to.

10 Maple Close, Bottisham – makes comments to highlight:

1. The Acoustic Noise Assessment fails to make mention of the Luton Airport flight path.
2. Poor access into Bottisham village.
3. Increase in traffic movements when the village is already congested.

(additional comments) – evidence submitted regarding highway safety, including photos.

23 Peacock Drive, Bottisham – Objects on the grounds of:

1. Impact on overloaded GP service.

30 Peacock Drive, Bottisham – objects to the proposal

1. Infrastructure cannot support an older population
2. Inadequate bus services
3. Parking pressures

2 Rowan Close, Bottisham – objects to the proposal

1. Identical to previously refused application
2. Harm to the green belt
3. The alternative site assessment is meaningless
4. Need for C2 accommodation in the north of the district

7 Stocks Close, Bottisham – Makes comments to highlight:

1. Similar application has already been refused.
2. No change to Green Belt or application.
3. Increase in elderly residents.
4. Two care homes already exist.
5. GP already struggling with current pressure.
6. Raises concern over parking and highway safety.
7. Other ways to gain public open space.

6 St Petersfield, Bottisham – objects to the proposal

1. There are enough care facilities in Bottisham
2. Medical Practice and its ability to cope with additional patients
3. Overwhelmed with traffic
4. Impact on the green belt
5. Bottisham is a village not a town

5 West Walk, Bottisham – Objects on the grounds of:

1. Developer is just seeking to make vast profits.
2. Green Belt should be protected.

7 West Walk, Bottisham – Objects to the proposal on the grounds of:

1. Proposal has already been refused and this application makes a mockery of the planning system.
2. Services, including GP, struggling with capacity.
3. Capacity of sewage network.
4. Traffic generation
5. Development does not need to be in Green Belt and should be located on inner town sites.
6. Need space for children's play.

8 West Walk, Bottisham – Objects on the loss of a meadow and harm to biodiversity.

19 West Walk, Bottisham – Objects to the proposal on the grounds of:

1. Two other facilities for the elderly in the village.
2. Lack of bus service.
3. GP would be further overwhelmed.
4. Will increase flood risk.
5. Highway safety/congestion
6. Development is excessive for the village.

17 Bell Road, Bottisham – Objects on the following grounds:

1. Site is highly valued for landscape and biodiversity grounds.
2. Impact on character of the area and conservation area.
3. Village already has a nursing home and care home.
4. GP is overwhelmed.

26 Lode Road, Bottisham – Objects to the development on the following grounds:

1. Proposal not needed, already two care homes in the village.
2. Impact on medical facility.
3. Green Belt and conservation area should be protected.
4. Developer is only seeking money.
5. Traffic congestion.
6. Social housing already provided on Bell Road.
7. Need to protect open spaces/farm land.
8. Developer should look to provide on brownfield land.
9. Developer seeking to wear locals and council down.

(Additional comments) – Objects on similar grounds as before.

30 Lode Road, Bottisham – “This development should not go ahead, primarily because of the additional work on the already overworked Bottisham Medical Practice. Bottisham also has more than its fair share of care homes, so should not be burdened with the additional impacts on local resources as well as other negative impacts such as increased traffic levels”

34 Lode Road, Bottisham – Village already has two care homes. Housing already placing pressure on doctors. Need to provide space for young people.

36 Lode Road, Bottisham – Objects to the proposal on the following grounds:

1. Already care facilities within the village.
2. Existing care facilities are struggling to find staff.
3. Further pressure on the GP.
4. Loss/harm to Green Belt.

131 Lode Road, Bottisham – Objects on the grounds of:

1. Bottisham has no need for a retirement village.
2. Congestion and parking.
3. Traffic generation.
4. Impact on Bottisham Medical Practice.

13 Jenyns Close, Bottisham – Objects on the grounds of impact of GP.

18 Jenyns Close, Bottisham – Objects on the grounds of:

1. Services are overstretched.
2. Impact on GP.
3. Site required for growing crops.
4. Site is Green Belt.

1 Bradford Cottages, Lode Road, Bottisham – Objects on the grounds of:

1. Significant detrimental harm to residential amenity.
2. Highway congestion.

6 Tunbridge Lane, Bottisham – Objects on the grounds of:

1. Site is Green Belt.
2. Village is already expanding, including 50 affordable homes.
3. Impact on GP.
4. Traffic creation.
5. Village already has 3 care homes that are not fully occupied and who struggle to recruit.

10 Tunbridge Close, Bottisham – objects on the grounds of:

1. Lack of capacity at the Doctors surgery
2. Increase in traffic
3. Impact on the other care facilities

6 Trinity Close, Bottisham – Objects to the application on the grounds of:

1. The proposed development not only doesn't meet the special requirement to build on Green Belt but it will also have a very detrimental impact on village life.
2. GP is already overwhelmed.

3. Traffic generation.

30 Station Road, Lode – Objects on the grounds of:

1. Impact on the GP.
2. Ambulance service has raised objections.
3. Continued loss of Green Belt.
4. Growth should be aimed at the young.

27 Bell Road, Bottisham – Raises concerns on the following grounds:

1. Similar application has already been refused.
2. Site is within Green Belt.
3. Bell Road development provides sufficient homes in the village.
4. Harm to medical practice due to increase in potential patients.
5. Highway safety.

24 Peacock Drive, Bottisham – Objects on the grounds of:

1. Site is Green Belt.
2. Village medical facility is already overstretched.
3. Alternative methods of transport eg buses not available.

23 Lysander Close, Bottisham – Objects on the grounds of:

1. Land is Green Belt
2. Harm to character of the area.
3. Village already has three care homes.
4. Local services, including GP already overwhelmed.
5. Space required for a children's park.

17 Spring Close, Bottisham – Objects on the grounds of:

1. Village already has one residential and two care homes.
2. Impact on already overstretched GP.
3. Village already has too high proportion of elderly people.

19 Willow Way, Bottisham – objects to the proposal

1. Nothing has changed since the appeal
2. Oversubscribed Doctors' surgery
3. Limited resources within the village

1 Woodward Close, Bottisham – Objects on the grounds of:

1. Harm to countryside character and view.
2. Harm to biodiversity.
3. Schools and GP are already overstretched.
4. Impact of Bell Road development.
5. Increase in traffic.

(additional comments) – Objects on the grounds of:

1. Seems the developer is seeking to segregate the old into one location.
2. No difference in impact on character of area.
3. GP will not be able to cope with additional patients.
4. Increase in traffic.

73 Ox Meadow, Bottisham – Objects on the grounds of:

1. No significant amendments to what has previously been refused.
2. Site is on Green belt/loss of agricultural land.
3. Village already has two care homes.
4. Developer interested in profits over legacy.
5. GP will not be able to cope with additional demand.
6. Sewage network over capacity.
7. Would add to flooding issues within the village.

6.0 THE PLANNING POLICY CONTEXT

- 6.1 East Cambridgeshire Local Plan 2015
 GROWTH 2 Locational strategy
 GROWTH 3 Infrastructure requirements
 GROWTH 5 Presumption in favour of sustainable development
 HOU 1 Housing Mix
 HOU 2 Housing density
 HOU 3 Affordable Housing Provision
 HOU4 Affordable Housing exception sites
 HOU 6 Residential Care Homes
 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 10 Green Belt
 ENV 11 Conservation Areas
 ENV12 Listed Buildings
 ENV14 Sites of Archaeological Interest
 COM 4 New Community Facilities
 COM 7 Transport impact
 COM 8 Parking provision
- 6.2 Supplementary Planning Documents
 Developer Contributions and Planning Obligations
 Design Guide
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
 Flood and Water
 Natural Environment
 Climate Change
- 6.3 National Planning Policy Framework 2021
 Chapter 2 Achieving sustainable development
 Chapter 4 Decision making
 Chapter 5 Delivering a sufficient supply of homes
 Chapter 8 Promoting healthy and safe communities
 Chapter 9 Promoting sustainable transport
 Chapter 10 Supporting high quality communications
 Chapter 11 Making effective use of land
 Chapter 12 Achieving well-designed places

Chapter 13 Protecting Green Belt land
Chapter 14 Meeting the challenge of climate change, flooding and coastal change
Chapter 15 Conserving and enhancing the natural environment
Chapter 16 Conserving and enhancing the historic environment
Chapter 17 Facilitating the sustainable use of minerals

7.0 PLANNING COMMENTS

7.1 Planning History

7.2 A very similar proposal was submitted recently, determined by planning committee (Previous committee report Appendix 1), and then dismissed at appeal (appendix 2). As can be seen in appendix 2, perhaps the most relevant elements of the Inspector's decision is as follows:

7.3 "87. There would be substantial benefits from the proposed extra care accommodation and affordable housing. There would also be significant benefits from general housing provision, the release of family-sized housing stock, and employment generation. There would be moderate benefits from biodiversity net gain, the proposed public open space, and that the site is accessible to the services and facilities of Bottisham. These are important considerations and, in combination, amount to a substantial positive weighting.

88. However, there would be harm to the permanence, openness and some of the purposes of Green Belt land. These all attract substantial negative weight. Because of the limited weight to attach to Policy GROWTH 2 of the LP, which is the source of the heavy restriction on greenfield development outside of settlement boundaries, as well as the substantial weighting attributed to Green Belt harm in the Framework, I place significant negative weight on the other consideration that a robust ASA has not been provided. I cannot, therefore, be sure that there are not suitable, available and deliverable non-Green Belt alternatives, including greenfield development outside of settlement boundaries, which would be sequentially preferable to the appeal site. There is also harm, albeit with only a low to moderate weighting, to the character and appearance of the area, the wider landscape, and the heritage assets of Bottisham Conservation Area and the Bottisham House Grade II Listed building.

89. Overall, the other considerations, although including substantial benefits, also include a deficient ASA, and they do not clearly outweigh the harm to the Green Belt that I have identified, and the other harms. Consequently, the 'very special circumstances' necessary to justify the proposed development do not exist."

7.4 The application is fundamentally the same with the main differences being a reduction in indicative maximum height from 12 to 10m and the provision of an Alternative Site Assessment.

7.5 On the basis that the application in front of committee today is very similar to that which was refused on appeal less than two years ago, therefore an important starting point for determining this new application should be the Inspector's decision dismissing the previous application. On this basis this report will focus on the fundamental changes of the proposal and/or the fundamental changes in circumstances (if any).

- 7.6 It should also be noted that, whilst Bottisham Parish Council applied for and successfully designated its parish area as a 'Neighbourhood Area' in 2016, the Parish Council has not made much, if any, progress with preparing a Neighbourhood Plan, and no drafts have been consulted upon or received by ECDC. No weight should therefore be attributed to any emerging Neighbourhood Plan for Bottisham. This was also the case with the previous refused proposal.
- 7.7 Impact on the Cambridge Green Belt
- 7.8 It is considered that the Inspector came to a well defined conclusion when concluding:
"the proposal would harm Green Belt permanence and openness, and would encroach into the countryside. It therefore fails to comply with Policy ENV 10 of the LP, which requires that development not harm the openness of the Green Belt. As directed by Paragraph 148 of the Framework, I give substantial weight to the proposal for inappropriate development, and to the harm to the Green Belt's essential characteristics and purposes that I have identified."
- 7.9 The change in indicative height is not considered to have any material impact on the harm to the Green Belt, as the impact on openness will be the same. The conclusions made by the Inspector in report (appendix 2) under paragraphs 45-49 therefore remain valid and the LPA should have no reason to dispute them. What also remains valid is that given the projection into the countryside and the loss of openness, the harm remains at the highest level of significant harm.
- 7.10 While the developer is seeking, subject to reserved matters, to provide a parkland at the front of the site (where existing meadow is) the proposed development will be in the field that most protrudes into the Green Belt and will be very noticeable from Rowan Close and the public footpath along the western boundary. It is considered to be noticeable from the High Street, though to a lesser degree. It should also be noted that given the large indent into the countryside the proposal will likely lead to the redrawing of the Cambridge Green Belt in this area, which should only be done in exceptional circumstances through the updating of development plans (NPPF paragraph 140).
- 7.11 The five purposes of the Green Belt are defined by paragraph 138 of the NPPF as:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.12 In regards to (a) the proposal is not extending towards Cambridge nor is Bottisham a large built up area. In so far as (b) it would not lead to two towns merging, as both Bottisham and Swaffham Prior are villages. The proposal would fail in regards to (c) as it would encroach noticeably into the countryside and would be highly noticeable by residents of Bottisham. Given the distance from towns it is not considered the proposal will noticeably affect their settings. In regards to (e) it is considered that while these developments can come forward on brownfield land (Roslyn Court, Ely)

there is a lack of brownfield sites with East Cambridgeshire, though as the Independent Report on the Alternative Site Assessment demonstrated a C2 Use Class could come forward as part of a residential development site.

- 7.13 It should be noted that both the affordable housing, which is not proposed as limited affordable housing for local community needs, and the C2 Use Class element of this proposal are both considered to be inappropriate by definition as detailed under paragraph 149 of the NPPF.
- 7.14 It is considered that the former Inspector's judgement was sound when he concluded that the previous application "would harm the Green Belt permanence and openness and would encroach into the Countryside".
- 7.15 Alternative Site Assessment
- 7.16 The district is approximately 3% Green Belt. The Council received a draft independent Alternative Site Assessment on the 16 August 2023, it states that the developer's Alternative Site Assessment is not robust in their professional opinion. Moreover, working with officers our consultants identified many locations where the appeal proposal would be feasible outside of the Green Belt though still within the district/catchment area.
- 7.17 On this basis it can be concluded that the proposed development does not have to be located within the Green Belt and could be accommodated elsewhere either on greenfield sites or as part of a wider development proposal.
- 7.18 Given that there are several over sites that have been either overlooked or could come forward within a reasonable timeframe (5 years) it is considered there is no specific special need for the retirement care village to go on this specific Green Belt site. On this basis, therefore, there is fundamentally no change in circumstances that warrant going against the Inspector's previous decision. Namely, a robust alternative site assessment has not been produced; and if it had, it would have identified several non-Green Belt locations that the proposal could potentially be located.
- 7.19 Need for older people accommodation
- 7.20 Cambridgeshire County Council Care Home Officer have stated that there is a need for 75 care home beds and 164 extra care units by 2036 in East Cambridgeshire. This would indicate that one large site for extra care is required to come forward by 2036. This either conflicts with the developer who suggest the need is for 369 private extra care by 2026, or that planned development will lead to a significant reduction or while the County Council is interested in those that are most in need for extra care the developer is only considering those with money (therefore preference and not need). However, it is noted in the previous application it was considered there is and will remain a need for extra care units. The key element then is paragraph 68 of the Inspector's report:

"68. There are no applications, no site allocations, and no predicted completions in the next five years for extra care accommodation. There are site allocations for general housing in use class C3. However, the uncontested evidence given in this appeal is

that unless sites are specifically allocated for use class C2 development, the developers of such schemes are unable to compete with the providers of general housing. These allocations cannot therefore be relied upon to provide extra care accommodation.”

7.21 The Inspector is also considered to have made sound reasoning when stating (paragraph 27):

“I have found harm to the character and appearance of the area and therefore the retirement care village element of the proposal conflicts with this policy (HOU6), and therefore also Policy GROWTH2.”

7.22 Between 2020 and 2040 the Housing Needs of Specific Groups report that forms part of the Strategic Housing Market Assessment (SHMA 2021) states the amount of people 65+ will increase by 10,404 in East Cambridgeshire. The SHMA also recommends retirement villages (100+ units), though also suggests a better market housing mix securing smaller properties would also help to ensure suitable housing for all age groups.

7.23 The developer has commented, taking into consideration planned development, that the need for private extra care in 2026 will be 269 units in East Cambridgeshire District Council; this will rise to 426 units by 2043. It should be accepted that there is a need in providing dwellings for people over 65+ and that some of this will be in the form of retirement villages.

7.24 Single Issue Review (SIR) and policy GROWTH2 of the Local Plan

7.25 This is an important aspect which has materially changed since the consideration of the previous application. It is first worth reviewing the previous appeal Inspector’s deliberations on the matter:

“27... I have found harm to the character and appearance of the area and therefore the retirement care village element of the proposal conflicts with this policy [HOU6], and therefore also Policy GROWTH 2.”

“56...it is common ground, and I agree, that Policy GROWTH 1 of the LP is out-of-date because it is based on housing requirement figures that are more than five years old. Policy GROWTH 2 is the key policy for directing the location of development in the District. It focusses the majority of development on Ely, Littleport and Soham, and within defined settlement boundaries. The policy strictly controls development outside these boundaries. This locational strategy for development is based on the out-of-date figures from Policy GROWTH 1. A Single Issue Review of the Local Plan is underway but is at a relatively early stage. It is common ground, and I agree, that until this review is further progressed, it can carry only limited weight. We are therefore in a position where we cannot know with any certainty what the future location strategy for development will be and, specifically, whether or not its strict controls over development outside of settlement boundaries will persist. Therefore, I place limited weight on the conflict with Policy GROWTH 2 identified above.”

7.26 At the time of receiving the above appeal decision, the Council’s view was that the above judgements were not unreasonable positions to take.

- 7.27 However, matters have moved on considerably since that appeal decision of April 2022. The Single Issue Review should have concluded on 31 August 2023 what is typically the very final stage prior to receiving the final Inspector's Report, namely a 'modifications consultation' stage. At the time of writing this officer's report, we are therefore expecting the Local Plan SIR Inspector's Report imminently. If we do receive it in a timely way, it is expect to put the Single Issue Review to Full Council on 19 October 2023 for adoption. If that comes to pass, and adoption is agreed, then policy GROWTH1 and GROWTH2 will, in the Council's view, regain full weight.
- 7.28 Thus, whilst the previous appeal Inspector's deliberations at para 27 quoted above will remain reasonable (namely, the proposal conflicts with GROWTH2 and HOU6), the new Inspector's deliberation are highly likely to be materially different to those of the previous Inspector quoted in para 56. In the Council's opinion, the Inspector should continue to identify conflict with GROWTH2 (as the previous appeal decision did), but give considerably more weight to the conflict with Policy GROWTH2.
- 7.29 The conflict with GROWTH2 is two-fold:
First, as a matter of principle, the policy directs that "The majority of development will be focused on the market towns of Ely, Soham and Littleport". It goes on to say that "More limited development will take place in villages which have a defined development envelope". Whilst the phrase 'more limited' is not defined precisely, it is not unreasonable to conclude that the scale of this proposal (c170 individual homes with care, plus a further c50 affordable homes, plus a variety of leisure, café and other facilities) is beyond the definition of 'limited' within the context of East Cambridgeshire and the context of Bottisham, as established by the policies and allocations of the Local Plan. By definition, therefore, the proposal is in conflict with the spatial distribution of growth as set out Policy GROWTH2.
- 7.30 Second, GROWTH2 does allow for certain exceptions, and these are matters the previous Inspector deliberated on. The affordable house element the Inspector concluded were allowable as an exception under Policy GROWTH2. However, concluding that the retirement village was not allowed as an exception under GROWTH2. The Council should agree to this reasoning.
- 7.31 Thus, the proposal fails for a second time against GROWTH2. Accordingly, it is recommended that Committee agree specific reason for refusal as a consequence of the conflict with GROWTH2, irrespective of the situation with adoption of the SIR Local Plan, but should that be adopted, the Council's position should be that it places significant weight against the proposal as a consequence of that failure to meet policy GROWTH2.
- 7.32 Should Full Council for whatever reason not adopt the SIR Local Plan on 16 October, or at any other time prior to the appeal concluding, then this conflict with GROWTH2 remains valid (as the previous Inspector stated), but the weight given to that conflict would be reduced due to the uncertainty as to whether the SIR would be adopted. Committee should therefore accept that it will be a matter for officers to make a judgement on the weight of conflict arising, at the time of the Inquiry and (potentially) thereafter if circumstances change prior to the appeal being determined.
- 7.33 Impact on medical facilities

- 7.34 NHS England has responded to state that the proposal will have a detrimental impact on its ambulance service and does not have capacity to facilitate and is seeking a contribution of £68, 680 towards the Ambulance Service from the developer in order to accommodate this growth.
- 7.35 NHS Cambs and Peterborough Integrated Care Board that there is very little capacity and is requiring £115,733 in order to accommodate the development by extending and refurbishing existing facilities.
- 7.36 Bottisham Medical Practice (GP) on the basis that the additional development will overwhelm their service that could lead to the closure of the GP objects to this development and does not believe additional funding can prevent the reduction in service.
- 7.37 The Inspector concluded in the previous application:
 “38. The responsibility for allocating the increased pressure on the BMP falls on the CCG, which is the group with the responsibility of allocating, planning and buying local NHS services. If, as seems likely, the BMP would require additional resources as a result of the proposal, this is for the CCG to respond to, and to allocate funding as appropriate. This falls outside of the planning system in a situation such as this, where the overall effect on healthcare would be to reduce demand for resources.
 39. The s106 includes a clause with the provision of a healthcare contribution. However, it is drafted such that I can modify or remove this clause. Therefore, for the avoidance of doubt, I confirm that the healthcare contribution as set out in the s106 is not necessary.”
- 7.38 It is therefore concluded that while the scheme will likely lead to a detrimental harm (as detailed by those specialists in this field) to the health of local people, it is unlikely that this application will be able to mitigate against this. However, the Council should still seek to place the requested contributions within the S106 with the same provision that the Inspector can remove them if they deem that to be correct. The developer was of the same view, in that the contributions will be added though written to allow the Inspector to remove them.
- 7.39 Non-medical emergency services
- 7.40 Given both comments raised by the Fire and Rescue Service a condition should be sought to provide both fire hydrants as well as an automatic water fire suppression system.
- 7.41 Given this outline application is only seeking access, many of the requirements/suggestions by the Designing Out Crime Officer would only be able to addressed at a reserved matters stage.
- 7.42 Impact upon the Conservation Area/Heritage
- 7.43 The Inspector concludes in relation to the conservation are and the Grade II Listed Building of Bottisham House:
 “The proposal would harm the setting of the northern field and wider countryside through the proposed change of character from agricultural to built development.

However, as with the conservation area, this harm would be mitigated by the proposed landscaping and enhancements to the southern field.

54. The level of harm to the setting of the Grade II Listed Bottisham House and Bottisham Conservation Area would therefore be low, and I attribute to this limited weight.”

- 7.44 The Inspector has placed great weight on the use of landscape and its longevity in order to mitigate the harm to the historic environment. The proposal will remain as having less than substantial harm on built heritage (moderate harm) and this can be partially mitigated via a high quality landscape scheme. The landscape scheme cannot be secured until the reserved matters stage.
- 7.45 A condition would be needed to ensure the long term management (30+ years) of this landscape and any reserved matters scheme substantial weight would need to be placed on the landscape element.
- 7.46 It is noted that Historic Environment Team (County Council) are not objecting to the proposal but are seeking a condition, which is considered reasonable to ensure that our heritage is duly preserved where possible. The scheme, subject to a condition, would comply with ENV14 of the Local Plan.
- 7.47 Visual Amenity
- 7.48 The Inspector concludes in paragraph 55 (appendix 2) that there will be low to moderate harm to the character area and placed limited weight on the conflict this caused with policies ENV1, ENV2 and HOU6 of the Local Plan. It would be expected that any reserved matters application design would meet the requirement of beautiful as required by paragraph 126 of the NPPF and protect the meadow/pastoral land at the front of the site.
- 7.49 While this is application with all matters reserved (apart from access) it is highly likely that the proposal will have a major impact on the visual character of the area. However, the largest change in visual impact will be from Rowan Close; due to the change in providing affordable houses at the end of the road where it can currently enjoy an open countryside view. It should be noted here that while planting (field hedge) limits this view currently, there is no protection or specific reason to why it could not be removed. The view from the public footpath along the western boundary of the site will also be materially affected, as long distance views across the meadow will be curtailed by the proposed development. The long term impacts will be highly dependant on the quality of the landscape scheme in order to help blend the development into the wider landscape. It should also be noted that just because development is seen does not in itself make it harmful and it would be expected if the outline application was approved that any reserved matters will need to be of a high quality that would allow the proposal to meet the requirements of ENV1, ENV2 and the NPPF.
- 7.50 Given the outline nature of this application it should be considered that the proposal currently has moderate harm to the rural character of the area, though this can be minimised with a high quality scheme (layout, design and landscape reserved matters).

7.51 Affordable Housing

7.52 It is considered that there is a significant under provision of affordable housing being provided within the district.

7.53 The proposal is seeking to provide 30% affordable housing (either onsite or offsite) that is compliant with the requirement of HOU3, thus the scheme is seeking to provide policy compliant (when taking into consideration the Council's own viability report) affordable housing to the provision of market dwellings within the C2 Use Class.

7.54 It should be noted that given its countryside setting then the site would have usually been first considered as an exception site (HOU4) and the starting point would have been to provide 100% affordable housing for those with a local connection. In this case the developer is not providing affordable housing for those specifically with a local connection and as detailed above this is why it is inappropriate development by definition in the Green Belt.

7.55 However, given the district wide need for homes designed for elderly people, as well as affordable housing it is considered reasonable why the Inspectorate placed significant weight on the provision of affordable dwellings. Though the addition of further buildings within the Green Belt will further erode the openness of the Green Belt and should be attributed significant harm.

7.56 Finally given the indication on the indicative plans the affordable housing and the C2 Use Class will be clearly separated. The proposal is highly likely to fail the usual good practice of ensuring affordable housing is tenure blind.

7.57 Biodiversity

7.58 The Inspector concluded that:

“79. The planning application the subject of this appeal was accompanied by a Biodiversity Net Gain Assessment. This concluded that the proposed landscaping works would result in a biodiversity net gain of 10% for habitats and 47% for hedgerows. These significant gains are possible because of the low biodiversity of the existing site, which is just two open fields and limited hedgerow and other planting. These gains could be secured by condition(s) and I place moderate positive weight on this benefit.”

7.59 The developer has reduced the amount of biodiversity net gain, as confirmed by the Wildlife Trust, to 8.64%. If this application was submitted in November 2023 then significant weight would have been attributed against this application as it does not meet the requirement of at least providing 10% net gain. However, given that this application was submitted before November 2023 it is expected that the Inspectorate would still grant the scheme positive weight, though this weight should be suitably reduced.

As the application currently stands it is considered to comply with policy ENV7 of the Local Plan and the Natural Environment SPD.

7.60 Highways and Parking

- 7.61 The Local Highways Authority have confirmed that from its perspective there is no material change and on this basis the access onto High Street remains acceptable. The Transport Assessment Team have also confirmed that they have no objections.
- 7.62 Given the objections raised by residents (Residents Society Ltd) it appears as if any access onto Rowan Close is unlikely to be able to come forward.
- 7.63 The illustrative master plan (drawing number: 8621_101) in the Biodiversity Net Gain Assessment is seemingly based on the idea of this scheme operating as a traditional residential institution as detailed under parking standards set out by COM8, as it only seems to be providing 1 car parking space per dwelling and on this basis does not provide space for staff. Whereas the argument put forward is that the residents will likely have a much larger degree of independence, if this is true then it is expecting at least some residents not to drive when they are situated in area with limited services. The access to services/facilities is much more limited in Bottisham when compared to Cambridge, Newmarket, Ely, Soham or Littleport. Alternatively, if the application was approved a much larger area might be needed for parking provision and thus limiting space of biodiversity net gain or landscaping. It should also be noted that if services such as gyms, cafes etc are provided on site these will have the effect of both providing more services/facilities in Bottisham, but will also increase the demand for parking on site.
- 7.64 Water/Sewage Network
- 7.65 Anglian Water confirmed that there was capacity at Bottisham Water Recycling Centre to accommodate the development and that it does not require a foul water condition.
- 7.66 There have been no consultation response by the Lead Local Flood Authority. However, given the size of the site it is considered a suitable Sustainable Drainage System (SuDS) could be implemented and in addition the previous application was not refused on this basis.
- 7.67 The site is in flood zone 1 and on this basis is an acceptable location to place this development. In addition while it is noted that there is some risk of surface water flooding along the High Street, this development is highly unlikely to lead to additional water flowing onto the High Street.
- 7.68 It is considered that the proposal could comply with ENV8 of the Local Plan, Cambridgeshire Flood and Water SPD and the NPPF if suitable controls are placed to ensure a suitable SuDS system is put in place and maintained in perpetuity.
- 7.69 Residential Amenity
- 7.70 The conditions requested by Environmental Health Officers can be duly added and these would be sought to be added in any Statement of Common Ground with the developer.
- 7.71 It is considered that any reserved matters application will be able to be designed in order to prevent detrimental harm to residential amenity.

7.72 It is considered that the proposal can comply with ENV2 of the Local Plan and the NPPF.

7.73 Planning Balance

7.74 The benefits of the scheme are considered to be affordable housing (significant weight), provision of a large C2 Use Class allocation for meeting the housing needs of the elderly (significant weight), employment (moderate weight), biodiversity net gain (moderate weight, though slightly reduced from the previous scheme), proposed public open space (moderate weight) and that the site can provide additional services for Bottisham (moderate weight). It is considered that these elements still provide substantial positive weighting in favour of allowing this application.

7.75 On the other side of the planning balance, there is:

- the provision of substantial C2 Use Class development in the Green Belt (substantial harm),
- The principle of affordable housing, not specifically for local community needs, within the green belt (substantial harm),
- less than substantial harm to heritage (moderate harm)
- impact on rural character (potential from low – moderate harm).

7.76 Given that the Alternative Site Assessment is the primary new evidence submitted as part of this application and which has been independently assessed as flawed and not robust it is considered the harm arising from the proposal from the C2 Use Class cannot be justified. On this basis the harm outweighs the benefits of the application. Even if one was to argue that the benefits are similar in extent to the harm, the proposal would still fail to demonstrate that the benefits “clearly” outweigh the harm as required by paragraph 148 of the NPPF.

7.77 The proposal, therefore, fails to comply with policies GROWTH2, HOU6; ENV1, ENV2, ENV10 and the NPPF; due to the harm to the openness and rural character of the Green Belt.

7.78 The first recommended reason for refusal is the primary reason against the application. The second reason for refusal being, at the time of writing, being very much a secondary reason for refusal. If the independent review had come back stating that this site was highly likely to be the only location that this development could come forward on then the application could have been considered for approval. However, the Single Issue Review once complete would have substantial weighting on the determination of this application and would make both reasons for refusal primary objections.

8.0 COSTS

8.1 If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

- 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.
- 8.4 In this case members' attention is particularly drawn to the following points:
- The previous appeal decision on this site.

9.0 APPENDICES

- 9.1 Appendix 1 – 20/00296/OUM Previous committee report
- 9.2 Appendix 2 – 20/00296/OUM Appeal decision
- 9.3 Appendix 3 –Draft Statement of Common Ground (including conditions)

Background Documents

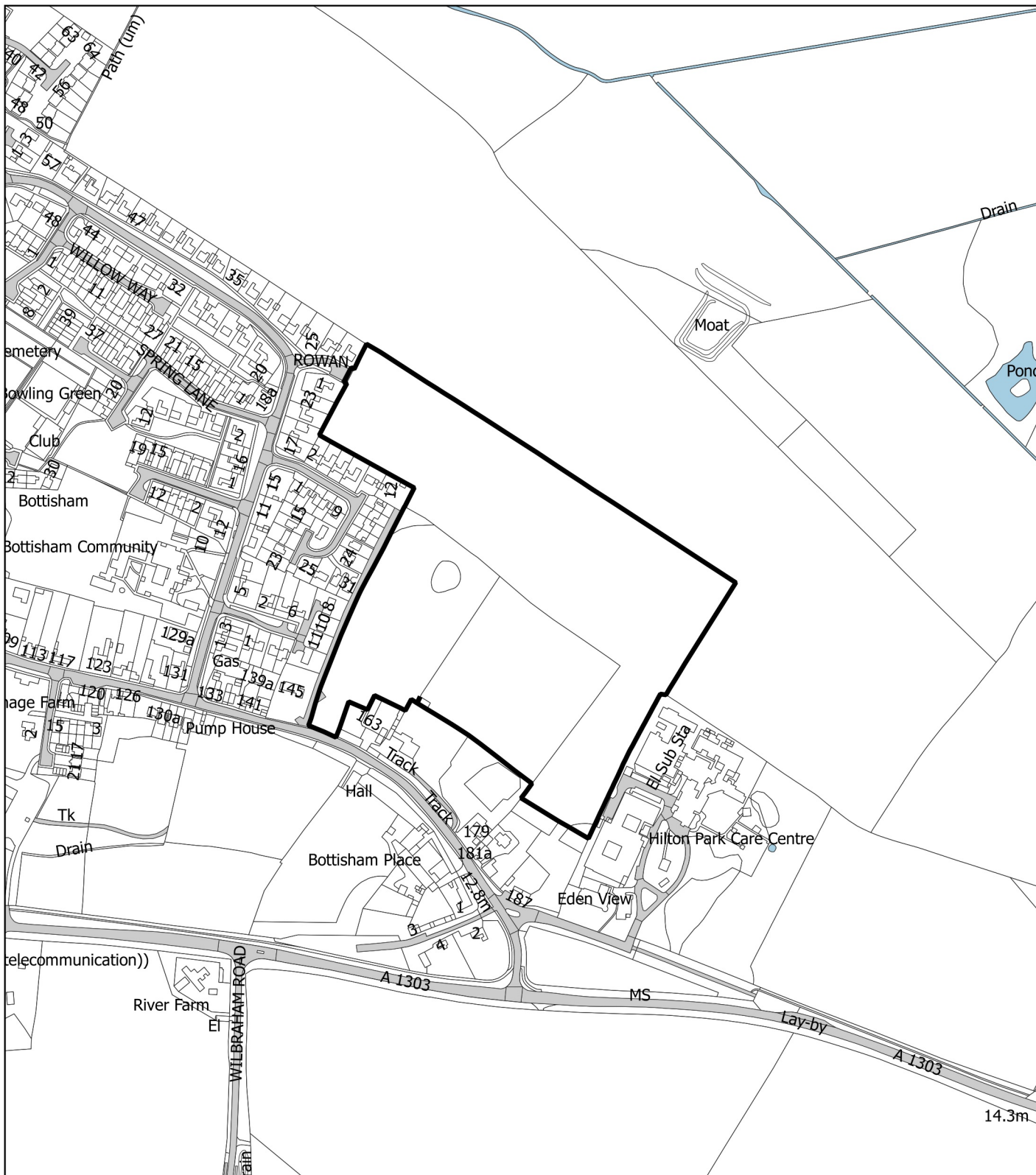
23/00205/OUM

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>



20/00296/OUM

Land Rear Of 163 To 187
High Street
Bottisham



East Cambridgeshire
District Council

Date: 16/02/2021
Scale: 1:5,000



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MAIN CASE

Reference No: 20/00296/OUM

Proposal: Development of retirement care village in class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (compromising up to 30% on-site provision), public open space, play provision, landscaping, car parking, access and associated development

Site Address: Land Rear Of 163 To 187 High Street Bottisham

Applicant: Bottisham Farming Ltd

Case Officer: Anne James Planning Consultant

Parish: Bottisham

Ward: Bottisham

Ward Councillor/s: Charlotte Cane
John Trapp

Date Received: 26 February 2020 **Expiry Date:** 4th March 2021

V139

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE for the following reasons:

1. The development of the site to provide a 170 bed retirement care village and 30% affordable housing units would encroach upon the open countryside and result in substantial harm to the openness of the Green Belt when compared to the nature and characteristics of the existing agricultural land. The case for demonstrating very special circumstances to outweigh any harm to the Green Belt has not been demonstrated. The proposal fails to comply with any of the exceptions within Para 145 and 146 of the NPPF and comprises inappropriate development within the Green Belt. The proposal is therefore contrary to Policies ENV1, ENV2 and ENV10 of the East Cambridgeshire Local Plan 2015 and section 13 of the NPPF 2019.
2. The application site lies in the open countryside, outside of the development envelope of Bottisham where development is controlled. The construction of a 170 bed retirement care village as well as 30% affordable housing units on an unallocated site in the countryside, which does not meet the aims and objectives of policy HOU6 of the East Cambridgeshire Local Plan 2015, due to the proposal

causing harm to the character and setting of the area, would therefore give rise to an inappropriate development with no justification to override the normal presumption against development in the countryside as set out in Policy GROWTH2 of the Local Plan. As such it is contrary to Policies ENV1, ENV2, HOU6 and GROWTH2 of the East Cambridgeshire Local Plan 2015 that has regard to the need to protect the countryside and the setting of towns and villages.

2.0 SUMMARY OF APPLICATION

- 2.1 This report supersedes the original Committee report which was withdrawn from the Agenda of the Planning Committee dated 7th October 2020. Following the withdrawal of the application from Planning Committee the applicant has revised the outline application which considers the matter of access, with appearance, landscaping, layout and scale to be considered at the reserved matters stage.
- 2.2 The applicants have been provided with an opportunity to amend the application to address a number of concerns highlighted by technical consultees. The applicants considered they were not provided with sufficient time to address these concerns and therefore the Chairman, Vice-Chairman and Planning Manager agreed to provide the applicants with a further period in which to submit this information. As such a number of the previous reasons for refusal have been addressed. The applicants have also suggested the Council contacts the Service Director - Commissioning - People and Communities Team at Cambridgeshire County Council, however, at the time of writing no response has been received. A further update will be provided at Committee.
- 2.3 Outline permission is sought for the development of a retirement care village (Class C2) comprising housing with care, communal health, wellbeing and leisure facilities as well as C3 affordable dwellings (comprising up to 30% on-site provision), public open space, play provision landscaping, car parking, access and associated development. A new vehicular access is being created from the High Street and this will run adjacent to the western boundary. The access road will be 5.5m wide and incorporate a pedestrian footway along one side. Pedestrian access only is proposed from Rowan Close.
- 2.4 The quantum of development has been set out below:
- 14,335sqm of C2 residential floorspace (15,430 sqft)
 - 170 C2 units
 - 30% affordable housing (approximately 51 dwellings)
 - 4.9 ha or Public Open Space (12.1 acres)
 - Central Community Building, health, wellbeing, care and leisure facilities
 - 176 Parking spaces
- 2.5 The application is accompanied by the following revised documents:
- Acoustic Assessment
 - Archaeological Evaluation Report
 - Arboricultural Impact Assessment

- Biodiversity Net Gain Assessment
- Built Heritage Assessment
- Ecological Impact Assessment
- Flood Risk Assessment
- Geo-environmental Report
- Geophysical Survey Report
- Green Belt Assessment
- Landscape and Visual Impact Assessment

The following new reports have been prepared to support the proposal:

- Transport Technical Note from Motion dated 29th September 2020
- Transport Technical Note from Motion dated 19th November 2020
- Letter from Carterwood, dated 29th September 2020
- Report from Ben Cave Associates
- Draft Section 106 Heads of Terms

The following reports remain unchanged:

- Statement of Community Involvement
- Design and Access Statement
- Planning Statement
- Planning Needs Assessment
- Noise Impact Assessment
- Travel Plan
- Technical Note on Access
- Transport Assessment
- Utilities Statement

2.6 The application is being considered by the Planning Committee due to the proposed floor space comprising over 1000sqm (10764 sq ft) in accordance with the Council's Constitution.

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.eastcamb.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

19/00661/SCREEN SCREENING OPINION - A retirement village of up to 250 residential units C2 use, comprising a mix of independent living retirement homes, extensive new open space, landscaping, access and communal amenity facilities.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is an irregular shaped area of land measuring approximately 8.4 ha (20.75 acres) and comprises two fields, a smaller field of pasture land used for the grazing

of sheep and a larger one used for cultivation of crops. The site lies outside the development envelope for Bottisham, and parts of the south of the site lie within the Conservation Area. The whole of the site lies within the Green Belt.

- 4.2 The application site abuts residential development in Rowan Close, Maple Close and Cedar Walk to the west and there is a PROW which runs along this boundary. To the south of the site is a group of Grade II Listed Buildings (Bottisham House, The Maltings, a number of barn conversions), and to the east is the Hilton Park Care Centre with open countryside framing the northern boundary.
- 4.3 According to the Topographical Survey submitted with the application, it records a fairly level site with a small change in level in the north-east corner of the southern field and along a small length of the eastern site boundary.
- 4.4 Apart from hedgerow which form the site boundaries there are three groups of trees and five individual trees that lie within the site and these have the benefit of a Tree Preservation Order (TPO E/15/19).

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.

Rt Hon Lucy Frazer MP – 2nd September 2020

I am writing on behalf of my constituents who have contacted me about planning application 20/00296/OUM to build a 170 home Retirement Village in Bottisham. Constituents have raised concerns that this application is to build on Green Belt and The only ancient bit of meadow that is left in the village. They have also highlighted that the village already has two care homes, and more elderly patients would likely put extra strain on the Medical Practice in the village.

As you know this is a matter for East Cambridgeshire District Council, and I have directed constituents to respond to the relevant application, however, I wanted to ensure that concerns expressed to me by residents with regards to this application have been received by the District Council.

Cllr Graham Cone – South Cambridgeshire District Council Fen Ditton and Fulbourn Ward

No Comments Received

Cllr Claire Daunton, South Cambs District Councillor, South Cambridgeshire District Council Fen Ditton, Great Wilbraham, Horningsea, Little Wilbraham, Stow-cum-Quy, Tevesham and Fulbourn Ward - 15 May 2020

The villages of Little Wilbraham, Great Wilbraham and Six Mile Bottom are sited 2-3 miles distant from Bottisham and within the catchment area of the Bottisham Surgery. The range of services provided by the surgery are vital to the health and well-being of these villages and much valued by them. This value, long known, has

been demonstrated particularly over the past 7-8 weeks of the coronavirus epidemic.

I have seen the plans for this proposed development and been copied into correspondence. I have also spoken to parish councillors and residents of the three villages which I represent.

Our concerns are two-fold: the pressure which this development will put on the services provided by Bottisham surgery and the fact that the proposed site is within the green belt.

It has been stated that the Bottisham surgery has a lower patient to GP ratio than the national average. Whilst this may be the case on paper, in reality we know that the surgery serves a wide rural area where properties are dispersed and where there is a significant elderly population. We also know that the provision within the surgery of a pharmacy dispensing service is of particular value to patients needing regular, on-going medication; and these include residents of all ages.

It is crucial that the additional workload and pressure that a retirement village would put on the surgery, in its wider geographical coverage, be taken into account in consideration of this application.

Whilst the application indicates that the retirement village will provide well-being and health facilities, these are not the type of medical facilities that the surgery offers and are much needed. Equally, whilst the retirement village is not a care home, the housing is aimed at those for whom ageing is likely to be a factor in their choice of accommodation. They are more likely to make regular demands on the surgery than those in the younger age groups; and this demand will have a serious knock-on effect on the service available to villages in this Ward.

I note that the proposed development would be using land in the green belt and that this would only be allowed under exception arrangements. Given that Bottisham already has significant facilities for the elderly, including two care homes and sheltered housing, I am not clear how another development aimed at this section of the population would meet exception criteria.

Cllr John Williams – South Cambridgeshire District Council Fen Ditton and Fulbourn Ward

No Comments Received

Wilbrahams Parish Council –

No Comments Received

Stow-Cum-Quy Parish Council –

No Comments Received

Bottisham Parish Council – 4th January 2021 (comments on revised proposal)

Bottisham Parish Council does not support this planning application for the reasons outlined within this report.

Green Belt

This application is for a development on land currently designated as Green Belt, which provides for general exclusion of development apart from exceptional circumstances.

NPPF policy numbers 145 and 146 indicate the exceptions that may be made for development on Green Belt. In the 2009 Master Plan, developed in conjunction with ECDC, the Parish Council supported planned limited development on Green Belt off Bell Rd to provide affordable homes for the village. This is an area with limited landscape value and well away from the more historic part of the village and Conservation Area. Recently planning consent has been given for a further 50 homes (identified as BOTT 1 in the ECDC 2015 Local Plan) with provision for type 3 & 4 affordable housing. The Council sees no requirement for further affordable housing elsewhere in the village.

The proposed development adjoins the conservation area, is outside the building envelope and is on an area long recognised as of significant landscape value (see “Landscape” comment below). Parish Council has long sought to protect this area due to its unique character. During the review of the East Cambs Local Plan, we were explicitly assured by ECDC planning officers that it was not necessary to apply for Local Green Space designation, which would give a high level of protection for special green areas. We were informed that it already had a high level of protection, due to the Green Belt, Conservation Area and the village envelope, plus the Structure Plan 1995 statements. We would ask ECDC to respect this commitment given to the Council.

The Inspector supported the need to protect our Green Belt during the recent refused appeal for planning permission on a very small area of adjacent Green Belt belonging to First Copy. Reference was also made to the need to limit development outside the village envelope.

Any development in this area would be deemed as an encroachment and undermining of the rural character of the landscape and have an adverse effect on the neighbours and residents in other areas within the village and surrounding areas. It would also very significantly increase the number of houses, relative to the current size of the village, and we believe the infrastructure would not be able to cope.

If East Cambridgeshire District Council wishes to support development of a retirement village we would argue that it should be located on areas without Green Belt status. It does not merit an “exemption” on Green Belt.

Local Services

The Bottisham Surgery provides health care for two care homes in the village, plus a high dependency unit, placing significant demand on local GP resources. It was keenly noted at the parish council’s consultation that residents were concerned by

the creation of a top heavy resident demographic. This would place a significant extra strain on medical and other resources in the village.

It should be noted that Planning Permission has already been granted for a further 50 homes in Bell Road, already adding to the strain on local services.

At this stage there is no information on how the retirement village will be managed and this could seriously impinge on the care and health of the residents who come to live there. This should be clarified at an early stage, as the residents are not going to be the usual mix of ages. They will be in one particular group which would bring added requirements of support.

The Surgery will require reassurances and information on how the care for emergencies and other care issues are managed.

Travel Implications

These will apply not only for residents but staff, visitors and delivery vehicles. The public transport to other towns is considered inadequate and there is no bus service on Sundays or evenings. This will undoubtedly encourage car use by residents and be inadequate for staff who will be involved in shift work. This will bring extra traffic into the village

Staffing for the retirement village will not come from Bottisham, as the Care Homes within the village already have a high percentage of staff (including cooks, gardeners as well as carers and nursing staff) drawn from outside of the village. This will again cause an increase in traffic due to the poor local public transport. This, at a time when East Cambs District Council is encouraging a reduction in the carbon footprint.

The subsequent addition of 50+ affordable homes will exacerbate the situation further.

Sewage Works

We have always questioned the statement from Anglian Water that there is adequate capacity. Residents in the area repeatedly comment on the early morning traffic of tankers removing effluent several times a week. If the retirement village and more affordable houses are built, as well as the 50 already granted permission off of Bell Road, then it could be estimated an extra two tankers a week will be required - as well as increasing the strain on a sewage farm built for much lower volume.

We also have concerns about the sufficiency of the infrastructure in the High St conveying waste water to the sewage treatment works. Following heavy rainfall over the Christmas period, there was significant sewage contaminated flooding in the High St close to the planned entrance to the development. This resulted in 2 feet of foul water in one property, with Anglian Water instigating emergency repairs to the local pumping station. This is the third such incident in 5 years causing damage to this property. We would ask that full investigation is made into ensuring that the

infrastructure is sufficiently upgraded to cope with the added strain of over 200 more homes.

Landscape and Visual Impact

We have previously commented on the Landscape and Visual Impact of this area during several submissions to reviews. These include Green Belt policies and reviews in public, Local Plan and the review of the Structure Plan 1995. This concluded the area between the bridleway (now a public footpath) and The Grange (Hilton Park) is appropriately described as being of high landscape value and forms a clear cut, permanent and easily recognisable boundary for the Green Belt in the neighbourhood.

There is also a vista from the Nine Mile Hill to the Swaffham Road. This was referred to during the Consultation and opposition to the Nine Mile Hill application in 1991.

Any applicants will go to considerable lengths to reduce the impact of the proposal both in terms of layout, landscaping and usage. But, this will not overcome the detrimental impact on the area. Bottisham is a rural village and it is important that we preserve the Green Belt to prevent urbanisation.

Highways, parking and safety issues

This village already has significant traffic issues and we have installed traffic calming speed indicating displays within the area to them. The traffic survey is misleading, as it was done during school holidays and at times when the village was quieter.

The area of the High Street and Beechwood Avenue close to the planned site entrance already has significant parking problems due to the primary school - especially at school drop-off/pick-up times. Visibility will be impaired for residents and visitors entering and leaving the site and the increased traffic flow from this new development will significantly increase the possibility of accidents.

Approaching the site along the High Street from the village centre, there are concerns that the visibility on entering the site is impaired due to a neighbouring property's high wall.

The entrance to the play area has yet to be defined and there may be issues with ownership at the end of Rowan Close. However, if access is via Rowan Close, there will be issues with parking there – again likely to be worse during school pick up time. We are unable to see any provision in the draft plans for parking adjacent to the additional amenities promised for the village.

Consultations

We received the original application shortly before the Covid-19 restrictions, but managed to have a well-attended meeting in order for the Village to see the plans. We were not able to have a subsequent public meeting to discuss the feedback.

However, the Parish Council held an online meeting to discuss this and has done its best to represent local views given the circumstances.

The subsequent recent late changes to the application have given us inadequate time properly to consult with the village. We have, however, done our best to inform local people in the circumstances and gather residents' views.

Conclusion

We oppose this application for the following reasons:

1. The Parish Council has previously supported planned limited development on an area of Green Belt off Bell Rd, to allow provision of affordable housing for the locality in line with NPPF exemptions (with permission for a further 50 homes recently given). This is in an area that is well away from our Conservation Area/historic parts of the village and has limited landscape value. The Parish Council does not believe there is need within Bottisham for provision of further affordable homes. There is no justification for this proposed development on an area of Green Belt long recognised as having significant landscape value and which will negatively impact the Conservation Area. It is also outside the village envelope.

The local Green Belt is the only area of Green Belt in ECDC and should be protected to prevent urban sprawl from Cambridge. ECDC has adequate supplies of available land for development elsewhere that will supply further affordable homes without requiring development on Green Belt.

2. The need for a retirement village of this scale in Bottisham (or the local area) has not been demonstrated. The expected cost means that only a few residents will be able to afford to live in the retirement village and the majority of residents will be incomers. Bottisham already has significant provision for the elderly, with three residential care facilities and the arrival of a large retirement village will, we believe, negatively impact on the provision of medical care for other residents.

3. While we fully oppose any development in this area of Green Belt, we would point out that the suggested placement of all the affordable homes in a "ghetto" is not in line with guidance that recommends no more than 15 residences in one parcel to ensure a balanced and sustainable community. This guidance will be adhered to in the planned development of BOTT 1, where the affordable housing will be well integrated within the wider development. Policy HOU 3 of the Local Plan 2015 also requires that, in the south of the district, 40% of the total number of dwellings are affordable - not the 30% currently proposed.

4. If this application is referred to Planning Committee, then we will inform the Village and also use our right to attend the meeting to speak.

5. In summary we strongly urge this application be refused. There is no demonstration of a local need for either affordable homes or a large retirement village that justifies development on a Green Belt area long recognised as deserving of protection.

Parish - 12 May 2020

The Parish Council wish to reinforce our position that as indicated in our earlier submission, we do not believe this land is suitable for development under any circumstances and we would ask that this is taken into account when the application is being considered by the officers of the Planning Dept.

Parish - 20 April 2020

Bottisham Parish Council does not support this planning application for the reasons outlined within this report.

- Impact on the Green Belt, Conservation Area and development envelope.
- Any development such as this would very significantly increase the number of houses, relative to the current size of the village, and we believe the infrastructure would not be able to cope.
- No demand for retirement homes of this kind and should be located where there are large areas of brown and greenfield land without Green Belt status.
- The Bottisham Surgery provides health care for two care homes in the village, plus a high dependency unit, placing significant demand on local GP resources. It was keenly noted at the parish council's consultation that residents were concerned by the creation of a top heavy resident demographic. This would place a significant extra strain on medical resources and like facilities in the village.
- It should be noted that Planning Permission has already been granted for 50 homes in Bell Road adding to the strain on local services.
- No information on how the retirement village will be managed and this could seriously impinge on the care and health of the residents who come to live there
- Travel implications for residents, staff, visitors and delivery services
- Sewage capacity questioned.
- Landscape and visual impact
- Highways, parking and safety issues
- The traffic survey is misleading, as it was done during school holidays and at times when the village was quieter.
- The area near to the Scout Hut on the High Street, close to the proposed access to the site, is a potential danger due to parking during school picking up times and when events are being held there. Visibility will be especially impaired for residents and visitors entering and leaving the site.
- High Street and Beechwood Avenue have significant parking problems as it stands. The increased traffic flow coming from this new development will significantly increase the possibility of accidents. This will be particularly the case at pick up and drop off times at the primary school. Parking for visitors to the site could be an issue, leading to an increase of cars parked in the High Street and Beechwood Ave close to the primary school. These are already a dangerous place for children arriving and leaving.
- Approaching the site along the High Street from the village centre, there are concerns that the visibility on entering the site is impaired due to a neighbouring property's high wall.
- The entrance to the play area has yet to be defined and there may be issues with ownership at the end of Rowan Close. However, if access is via Rowan Close, there will be issues with parking there - likely to be worse during school pick up time.

- Contrary to policies of the NPPF and the development plan.

Cllr Charlotte Cane, Bottisham Ward Councillor – 21st January 2021

I will not repeat the concerns which I have raised elsewhere, but would summarise my objections by saying this is a Green Belt site, so the presumption should be that it will not be developed unless an exceptional case can be made. The applicant is arguing that the exception is the need for provision for elderly people. I accept there is a general need for such provision, but I share the County Council's view that such need is not evidenced in Bottisham, not least because Bottisham already has significant provision. Such provision should be spread geographically so that people can stay within areas which they know and so that local infrastructure is not put under too much pressure.

There are two new points to address - the affordable housing and the biodiversity net gain.

There is undoubtedly a need for affordable housing in Bottisham. The Parish Council is well aware of this and has a record of supporting appropriate applications, such as the land off Bell Road. This proposal will put all the affordable housing in one separate area, rather than integrated throughout the development. It is also cut off from views across the public open space and there is no indication of the size of the suggested play space. The proposed access road does not appear to go to the area for affordable housing, so it is unclear how they are to access their homes. I note the commitment is for 'up to 30% of the total number of eligible units within the C2 development'. This is a very unclear commitment - they are merely saying they won't build more than 30%. Our policy for the South of the District is for 40%. If this development were to be given consent it would be as an exception, in which case we should be requiring at least 40% affordable housing properly integrated within the development. I cannot support this proposal as it currently stands.

The biodiversity net gain in this scheme has reduced from the original 10.35% to just 4.82%. This reduction is unacceptable - we should be requiring at least the original 10.35% - again, this is a Green Belt site, we should expect better than the bare minimum. I entirely agree with the CPRE's statement that "this application remains an inappropriate development that will cause severe and lasting damage to the local landscape and to the village character of Bottisham."

I consider that this application should be refused. If you are minded to recommend approval I should like it to go to Planning Committee.

16 March 2020

I have significant concerns about this application and ask that it should go to Planning Committee, if you are minded to approve the application.

It is an application which will impact beyond the village of Bottisham and East Cambridgeshire District Council. I therefore ask that you also formally consult the South Cambridgeshire Councillors for Fen Ditton & Fulbourn ward and the neighbouring Parish Councils. I should also be grateful if you could make

arrangements for them to present their case to the Planning Committee along with Bottisham Parish Council and the Bottisham ward Councillors.

Bottisham already has one of the largest nursing homes in the East of England, in Hilton Park Care Home, as well as Queen's Court, a residential and dementia care home. It is therefore very hard to see a justification for a retirement village.

The Bottisham Surgery provides excellent primary health care to residents of Bottisham and the surrounding villages. They already have a high proportion of elderly patients and have stated that 'the sudden expansion in our practice population associated with the retirement village will create additional demand for services which we are unable to resource'.

The site is within Green Belt and therefore the presumption should be that it is not developed. With Hilton Park Care Home, Queen's Court and the bungalows in Downing Court and around Bottisham, there is ample provision for retired people from initial downsizing through to full care.

I note that the applicant considers that the site 'lends itself to sustainable travel negating the need to commute by private car.' Unfortunately, I cannot agree with this. The staff will work shifts which will include night time and Sunday shifts. At these times there are no bus services and it is a significant distance to cycle from Newmarket or Cambridge railway stations. In any event, a 40 minute bus ride (plus up to 60 mins wait to change from train to bus) will be unattractive to people, who will thus be likely to use their cars instead. Similarly, families visiting their relatives will find public transport both inconvenient and expensive and are thus likely to drive. The residents are likely to want to travel outside of Bottisham and sometimes outside of the hours when buses run - eg they cannot return home by public transport after an evening out in Cambridge. They are therefore likely to want a car and to use it even when there would be public transport options. If approved this development would add to traffic on already busy roads and could add to parking issues within Bottisham.

For these reasons, I would ask that the application be rejected. But if you are minded to approve the application, I should like it to be considered by the Planning Committee.

Lode Parish Council – 7th April 2020

“The plans look better now that they have been reduced from 250-170 units, and they will not be conspicuous from the High Street.

“The area is well set out with a parkland area at the front which means the buildings are at the back of the site away from the High street and its original houses.

“There is another park abutting the land to the west so the residents of Beechwood Avenue will be set away from the new housing. This area includes a much needed playground, and extra leisure facilities.

“The application for TPO's on the trees has been respected, so there will be mature trees in the development.

The new development will free up existing houses that are too big for older residents.

“The development will provide care, communal health facilities, and well-being and leisure facilities.

“However, Bottisham already has two care/nursing homes including Hilton Park and Queens Court, so there is already quite a lot of extra work for the local surgery, and this would very much increase their work load with more elderly people coming into the village.

“The bus systems locally are very patchy so care workers, visitors and the residents themselves would almost certainly have to come and go by car, so traffic would be very much increased along the High Street which would very much spoil the attractiveness and quiet along that part of the village.

“Another issue is there is no provision of affordable units for local people.

“The buildings will be on Green Belt Land, which was not considered and released in either the 2015 local plan or the later withdrawn one.

“Finally, the application is only an outline plan, and we hope that the final application, if it is granted, does not dilute the attractive aspects of this planning application. “

Anglian Water – 26th November 2020 (comments on revised proposal)

No objection the foul drainage from this development is in the catchment of Bottisham Water Recycling Centre that will have available capacity for these flows.

Used Water Network – The sewerage system at present has available capacity for these flows.

Surface Water Disposal – The proposed method of surface water management does not relate to AW operated assets. Therefore, unable to provide comments.

20 March 2020

No objection the foul drainage from this development is in the catchment of Bottisham Water Recycling Centre that will have available capacity for these flows.

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. Or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

Cambridge Ramblers Association –

No Comments Received

Cambs Wildlife Trust – 16th December 2020 (comments on revised proposal)

I have reviewed the revised ecological information. Including ecological assessment report and Biodiversity Net Gain assessment. These have been prepared in accordance with standard industry practice and are acceptable. The biodiversity aspects of the scheme remain broadly similar to those in earlier version that we previously commented on. The only aspect I would comment on is that the revised biodiversity net gain assessment now includes a smaller habitat net gain than in the original assessment (4.82% reduced from the previous 10.35%). This is to some extent offset by the significant net gain in hedgerow units and the species conservation measures proposed within the scheme. However, in using the Defra Metric, habitat units are not tradeable with hedgerow units or species conservation measures. The Biodiversity Net Gain report claims that the net gain from this scheme is significant. I do not concur with this conclusion as a 4.82% net gain in habitat biodiversity units is not significant. Ideally all 3 (habitat, hedgerow and species measures) would demonstrate a significant net gain for a scheme to be able to claim significant net gain. It is therefore disappointing that this development no longer achieves a minimum 10% biodiversity net gain for habitats, which I would recommend as the minimum.

I do believe that it would be possible to achieve a 10% net gain for habitats with small changes to the scheme, so this need not be a reason for refusal, but would require changes to be made before determination. An alternative would be for the applicant to use a biodiversity offsetting approach to pay for off-site habitat creation elsewhere in the district.

13 July 2020

This professional ecological advice has been provided in accordance with the Service Level Agreement held with East Cambridgeshire District Council.

I have now received the full Biodiversity Impact Assessment from BSG for this application. They have used the Defra Biodiversity Metric 2.0 to make their Biodiversity Net Gain assessment. I have checked their assessment and I can confirm that I am in broad agreement with the submitted assessment. The couple of areas where I could disagree do not make a material difference to this scheme being able to demonstrate a net gain in biodiversity, which would still represent at least a 10% net gain. Therefore from a biodiversity perspective, the proposals accord with national and local biodiversity policies.

28 April 2020

I have now received the full Biodiversity Impact Assessment from BSG for this application. They have used the Defra Biodiversity Metric 2.0 to make their Biodiversity Net Gain assessment. I have checked their assessment and I can confirm that I am in broad agreement with the submitted assessment. The couple of areas where I could disagree do not make a material difference to this scheme being able to demonstrate a net gain in biodiversity, which would still represent at least a 10% net gain. Therefore from a biodiversity perspective, the proposals accord with national and local biodiversity policies.

3 March 2020

This advice is provided in accordance with the Service Level Agreement between ECDC and the Wildlife Trust BCN, for the provision of ecological advice in relation to planning cases.

I have reviewed the ecological report submitted with the application. This report follows established best practice in ecological report writing. There is however one newly emerging area that has not yet been covered, namely a formal biodiversity net gain assessment. While the scheme as proposed may well be able to demonstrate a biodiversity net gain for habitats and hedgerows within the red line boundary, I would like to be reassured that this will be achievable, particularly as the application site covers a significant area of land (over 8 Ha) and contains a range of habitats (albeit mostly lower value, but with some higher value habitat features, namely the parkland trees).

I therefore recommend that a formal biodiversity net gain assessment is undertaken prior to determination of this application. I have attached a template for a Biodiversity Impact Assessment which could be passed onto the applicants and their ecological advisor. They could use the attached BIA template or alternatively use the emerging Defra Biodiversity Metric 2.0 (though this latter one is still in testing phase and does still have a number of errors and anomalies that need to be fixed).

At this stage I don't have any observations on the protected species matters (though I am unable to advice on the badger surveys as this is not available through the ECDC planning portal). I am pleased to see that the scheme design retains and incorporates the existing grassland, woodland and scrub, parkland trees and hedgerows into the proposed development layout and proposes enhancements to these. In doing so it also provides a good quantity of natural greenspace, which could be available to existing residents of Bottisham and so have wider value in providing a local greenspace.

Once a biodiversity net gain assessment has been submitted I would be pleased to review my comments.

Environment Agency – 25th November 2020 (comments on revised proposal)

No comments to make on the amended details.

23 March 2020

We have no objection to the proposed development.

NHS England –

No Comments Received

CCC (Adults Commissioning Team) – 16th February 2021 (response on amended proposal)

The Commissioning Team have considered the additional documents submitted with the planning application and have noted the following:

As previously stated from an extra care perspective, East Cambs is not a priority location for the development of new schemes. The application states that the lack of private extra care provision justifies this new development, however, there are significant numbers of 'self-funders' who live in the existing extra care provision and Millbrook House at Soham also includes a number of shared ownership properties. In East Cambs there is no waiting list for extra care and this is not uncommon.

The already significant provision for residential care in the village has meant that there are staff recruitment issues and further development in the village would exacerbate this.

8th September 2020

In Bottisham there is already very significant provision for residential care in the village comprising of 147 beds at Hilton Park (Oaklands and the Care Centre) for Nursing and Nursing Dementia, a further 55 beds at Queens Court for Residential and Residential Dementia and 10 beds at Eden View for specialist nursing for younger adults. We do not feel that it would be necessary to increase capacity within Bottisham in terms of Residential, Residential DE, Nursing and Nursing DE provision.

From an Extra Care perspective, East Cambs is not a priority area for the development of new schemes. There are currently a total of 149 units of Extra Care in East Cambs. These are located in Soham (Millbrook 87 units), Baird Lodge in Ely (35 units) and Ness Court in Burwell (27 units). Currently, there is no waiting list for people to move into extra care and this is not an unusual situation for these schemes.

CCC - Archaeology – 25th November 2020 (comments on revised proposal)

Confirm that the proposed revisions do not alter the advice previously issued by this department.

14 April 2020

We do not object to development proposal but recommend that a condition, with its informatives, is used to appropriately manage the concomitant change to assets within the historic environment:

CCC - Asset Information Definitive Map Team –

No Comments Received

CCC Fire and Rescue Service –

No Comments Received

Local Highways Authority Transport Assessment Team – 14th December 2020
(comments on revised proposal)

No objection subject to mitigation package: Sufficient detail has been presented for CCC to reach a conclusion of no objection.

26 May 2020 Holding objection

Insufficient detail has been presented to make a sound assessment. A number of issues related to the Transport Assessment will need to be addressed before the transport implications of the development can be fully assessed.

The applicant has undertaken a series of ATC surveys in the vicinity of the site between the 20th May 2019 and 29th May 2019. This date of the surveys is agreed.

The TA includes the last five available years up to the end of December 2018 accident record obtained from Crashmap.

The use of Crashmap is not acceptable as this data is generally older than CCC data. The TS should consider the latest 60 months' accident record sought from Business.intelligence@cambridgeshire.gov.uk. The accident data should cover the area between junctions of High Street with Tunbridge Lane to the north and with the A1303 to the south and be appended to the Transport Assessment and a plot provided showing each accident location. It would also be beneficial to tabulate the accidents to clearly define the number and severity of accident occurring at each location.

The County Council will review the accident analysis once the above information has been provided.

Forecast Trip Generation and Distribution

Vehicle trip rates calculated using the TRICS database are considered to be robust (0.176 two-way vehicle trip rate in the AM peak and 0.184 two-way vehicle trip rate in the PM peak). Use of TRICS to obtain vehicle trip rates is agreed.

Comment 12 The TA highlights that the proposed development will generate up to 30 two-way car trips in the AM peak hour and 31 two-way car trips in the PM peak. This traffic will all access the site via High Street.

The methodology used to determine the development vehicular trip distribution and assignment is agreed. This is with approximately 90% of the vehicle trips coming in and out the site from the south east via A1303 West bound (80%) and 10% from the A1303 East bound.

Committed Development

Reference has been made to the committed development of 50 residential dwellings at Ox Meadow, Bendish Lane, Bottisham (Ref: 16/01166/OUM), which has been taken into consideration when evaluating the cumulative effects of the proposal.

Future Baseline

The TA states that TEMPro growth factors of 1.0901 have been used to calculate the 2024 Future Baseline + Development flows. This is agreed.
Traffic Flow Scenarios

The TA includes the following Traffic Flow scenario. This is agreed.

- 2019 baseline validated against queue length surveys
- Future year scenario no development (base + TEMPRO growth + committed development)
- Future year scenario with development (base + TEMPRO growth + committed development + development)

Capacity Assessment

The following junction has been modelled with Junctions 9:

- High Street / A1303 junction.
- Site access / High Street junction.

The above junctions modelling results have not been yet reviewed until the figures showing the geometric measurements input into the models are provided.

Travel Plan

CCC has not commented on any detail of the Travel Plan at this stage. Targets / Measures of the travel plan will need to be subject to a condition should approval be given.

Mitigation

The applicant has offered the below mitigation measures. However, the proposed mitigation package will need to be addressed after the transport implications of the development can be fully assessed:

- The proposed accessibility improvements of the development will link the site to the existing pedestrian infrastructure in the vicinity of the site. Works to be agreed with the LPA prior to occupation, and to be done under a S278 agreement. Works to include new pedestrian crossings and widening the existing footway as presented in Motion drawing No. 1903044-04, included in the Technical Note dated 27th April 2020:
- Dropped kerbs and tactile paving will be provided across the bell mouth on the proposed site access and north to south on High Street.
- To be widened up to 2.0 metre the existing footway on the southern side of High Street which will extend between the site access and the bus stop adjacent No.136. An additional northern pedestrian route into the development will be provided, which will link directly to Rowan Close.

CCC Local Highways Authority – 9th December 2020 (comments on revised proposal)

Note that there have been no material alterations to the proposed access arrangements from previous submissions, and these remain acceptable and in accordance with national guidance as previously advised. Please note that I have also undertaken a targeted speed survey in conjunction with the pedestrian crossing point on High Street, and that the visibility available from the crossing point within the public highway is commensurate with the recorded 85th%ile vehicle approach speeds.

I assume that CCC Transport Assessment Team have been consulted directly in relation to the revised technical information relating to the impact of the development on the broader transport network.

It is apparent that the red line has been extended to meet the back edge of the footway adjacent Rowan Close, in relation to the proposed pedestrian and cycle access. I trust that ECDC are satisfied that the appropriate Notice has been served in relation to the inclusion of this land in the application site edged red (as may be appropriate). A detail will be required in the fullness of time to demonstrate the implementation of appropriate linkage and access to the public highway.

Without prejudice to the determination of the application, in the event that it is resolved to grant planning permission, highway related conditions will be required to secure:

- the appropriate implementation of the access arrangements;
- securing of off-site footway linkage;
- securing of on-site turning/ parking and loading arrangements; and
- the management of traffic throughout the construction process, both on and off- site, including the deliveries outside of peak period/ school opening/ closing times, and the routing of construction related traffic away from the village.

I am happy to propose specific conditions once the final form of development has been determined.

The applicant should note that a Short Form S278 Agreement will be required to be completed between the developer and this Authority to secure the implementation of any works within the public highway, supported by appropriate technical submission.

18th May 2020

A crossing point has been provided north to south adjacent the site access. A return crossing point will be required in the vicinity of the bus stop (sorry, this probably wasn't clear from my original consultation); this can be secured by condition for submission of detailed engineering drawings.

The footway widening will necessitate the relocation of the existing Vehicle Activated Sign (VAS)/ School warning sign (to the west of the new access on the south side of High Street).

Relocating the VAS to the back edge of the widened footway (circa 500mm) is acceptable in traffic and safety terms, and forward visibility to the sign will not be compromised. Undergrowth on the adjacent highway verge will need to be cut back, and overhanging/ encroaching tree growth cleared to implement the footway link.

For the avoidance of doubt, the proposed vehicular access and pedestrian crossing points can achieve appropriate visibility/ vehicle sight stopping distance in all respects, with due regard to the nature of High Street.

Pedestrian/ Cycle Access to Rowan Close

The applicant's agent has referred to the use of S228 of the Highways Act 1980 to deliver the footpath/ cycle path link to Rowan Close across third party land. To clarify, Section 228 allows for the making up of land with no known owner as highway maintainable at public expense.

The use of the Section 228 Highways Act 1980 by the Local Highway Authority to deliver highway adoption is entirely discretionary.

In this respect, CCC will not use Section 228 of the Highways Act 1980 to deliver access to a development where there is no other adoptable highway infrastructure within the site. The applicant needs to re-think this element.

18 March 2020

It is noted that the application is made in Outline form with only the means of access committed:

The following comments are therefore made without prejudice to the views of TA Team.

Summary

Therefore, in advance of the commentary of the TA Team, the applicant should be invited to:

1. Clarify the access dimensions proposed on a revised plan, together with pedestrian linkage/ connectivity;
2. Clarify how pedestrian and cycle access to Rowan Close can actually be delivered in relation to the application site edged red and the extent of the maintained public highway.

CCC Local Lead Flood Authority – 2nd December 2020 (comments on revised proposal)

The LLFA remain supportive of the proposed development. Surface water from the additional plots will be managed by infiltration through permeable paving. The calculations and plans have been updated accordingly to reflect the additional impermeable area associated with the development. Request conditions regarding a surface water drainage scheme for the site.

21 September 2020

No objection. The documents demonstrate that surface water from the proposed development can be managed through the use of infiltration basins, infiltration trenches and permeable paving, allowing surface water to infiltrate into the ground. This proposal is supported by sufficient BRE DG 365 infiltration testing.

The LLFA is supportive of the use of infiltration basins/ trenches and permeable paving as they provide water quality treatment which is of particular importance when infiltrating into the ground. Groundwater levels were recorded at 3 metres below ground level, providing a sufficient unsaturated zone between the base of proposed infiltration features and the groundwater level.

The site is located entirely within Flood Zone 1 and is at very low risk from surface water flooding.

CCC Growth & Development –

No Comments Received

CCC - Minerals and Waste Development Control Team - 11 March 2020

Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy sets out a number of requirements in relation to waste management in new development. It has been noted that the matter of waste management does not appear to have been addressed within the submitted application documentation, nor does there appear to be any specific consideration given to this policy. To ensure compliance with Policy CS28 it is therefore requested that, should the Planning Authority be minded to grant planning permission, it is subject to an appropriately worded condition.

ECDC Waste Strategy - 23 March 2020

East Cambs waste team would appreciate a completed copy of the RECAP Waste Management Design Guide for this site should it be given planning permission. Please note that as retirement properties will house elderly residents who are more likely to request assisted collections consideration should be given to reduce drag distances for bins and bags as much as possible in order to facilitate easy collections for all residents.

ECDC Environmental Health – 25th November 2020 (comments on revised proposal)

I have read revision 5 of the NIA dated 16th November 2020 and there are no fundamental changes which would alter my previous comments.

ECDC - Environmental Health - 16 April 2020

I have read the Geo-environmental and Geotechnical Desktop Study dated December 2019 prepared by Campbell Reith and accept the findings. The site is at very low risk of land contamination and no further work is required. Due to the

proposed sensitive end use of the site (residential) I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission.

10 March 2020

Due to the size of the development and the close proximity of existing properties (and also taking in to account the proximity to Hilton Park Care Centre) I would request conditions in respect of a CEMP, construction and delivery times as well as no piling and no external mechanical plan without the written approval of the LPA.

ECDC Conservation Officer – 18th September 2020

No objection

The application is accompanied by a heritage assessment prepared by Cotswold Archaeology in line with Historic England's 2017 Good Practice Advice in Planning Note 3: The Setting of Heritage Assets. The report's characterisation of the heritage impacts as less than substantial harm to the closest assets (Bottisham House, Bottisham conservation area) affected and no impact to others is a fair conclusion and given the separation distances involved in the indicative layout, there are no fundamental conservation concerns.

ECDC – Housing Officer – 7th December 2020

The Housing Team supports the above application in principle, as it will meet Policy HOU3 of East Cambridgeshire Local Plan 2015 to deliver 30% affordable housing on site. The precise number of dwellings is yet to be determined and full details will be agreed at Reserved Matters Stage.

- 5.2 **Statutory consultation** - 94 neighbouring properties have been notified of the application and the successive amendments. A site notice was erected on 12th March 2020 and was advertised in the Cambridge Evening News. The following comments are summarised below. The full responses are available on the Council's website.

Visual amenity

- Affect on Conservation Area
- Affect on Right of Access
- Affect on Right of Way
- Affect on Public Views
- Affect on Streetscene
- Affect on Greenbelt
- Landscape impact
- Form and character
- Loss of picturesque landscape
- Setting of Listed Buildings
- Loss of well-loved and valued meadow

Policy

- Contrary to national and local policy
- Exceptional circumstances have still not been demonstrated
- Inclusion of C3 housing makes the case for building on the Green Belt even weaker

Biodiversity/ecology

- Impact on trees/hedgerow/flora/fauna
- Foraging of bats, birds etc
- How to implement the 10% net biodiversity gain as required
- Declared climate emergency
- Biodiversity Impact Assessment virtually indecipherable and meaningless to the layman
- Biodiversity net gain calculator legitimate tool but can be mis-used

Flooding and Drainage

- Groundwater issues

Highways and Access

- Highway Safety
- Increased traffic congestion
- No capacity on existing roads
- Poor public transport
- Parts of site over $\frac{3}{4}$ mile from village facilities
- Increased pressure on parking
- Traffic flows are inaccurate
- Existing footpaths along High Street too narrow
- Issue with targeted speed survey undertaken during COVID period
- Increase in quantum of development increases amount of traffic
- Pedestrian access from Rowan Close over land not within the applicant's ownership and no evidence to suggest the applicants have carried out their obligations for identifying and serving notice on the affected landowner.
- How will this access be implemented

Residential Amenity

- Loss of privacy/Overlooking
- Loss of outlook
- Noise/light sensitive
- Overbearing
- Overshadowing
- Parking and Turning
- New pedestrian crossing increases pedestrians crossing back over the road
- Aircraft noise issue

Other

- Pollution issues
- Three care homes already
- The extra housing would exacerbate existing infrastructure/services/facilities which are already over-stretched
- Original plan was for 250 houses and now revised to 170 dwellings
- Against interests of the community, money making venture
- Ownership and maintenance of new POS
- Does C2 attract CIL payments
- Clarity on demand not speculation of need
- Already have a functioning scout hut
- Brownfield site more suitable
- High concentration of elderly people
- Money better spent on starter homes as there is a shortage in the village
- Type of tenure not addressed
- Management of the site
- Employment opportunities – already a shortage of carers
- Data used by market research unreliable/unsubstantiated claims regarding reduction in hospital stays
- Misleading information on requirements for formal care
- Increase in criminal and anti-social behaviour
- Construction has a negative effect on environment
- Affordable housing allocation has already been met on BOT1 of the Local Plan.
- Sewage treatment works is at capacity

Bottisham Medical Practice *(comment on revisions)*

We are writing to state our further objections to the proposed development of yet another large Nursing/Residential Home in Bottisham Village. We note the issues we previously raised have not been adequately addressed as follows:

1. The issue regarding adequate access around the village shop area has not been adequately addressed and would still not be able to accommodate additional traffic, mobility scooters etc. which would be a consequence of the development.
2. We would like to highlight feedback provided by CPRE regarding sites suitable for a retirement village, meaning there have been opportunities elsewhere to consider such a retirement village instead of choosing a location which already has a disproportionately high level of elderly care facilities:

“CPRE are surprised by the following statement:

“National Green Belt purpose 5 encourages the redevelopment of urban land rather than the development of Green Belt land. The applicant has engaged with landowners and agents in the area to identify other potential sites that are of sufficient size to accommodate a retirement village development, are broadly in accordance with local and national policy when taken as a whole, and are available

for development now. This includes considering derelict and underutilised brownfield land with potential for redevelopment. No alternative sites have been identified that meet these criteria. The site at Bottisham Meadows is therefore the only site that can currently accommodate the proposed development.”

As this applicant’s consultant will be aware, major brownfield site developments are planned and/or commenced in the Cambridge area at Northstowe, Waterbeach and Bourn. Any of these sites could readily have included or could still include a “retirement village” of this size. We can only conclude that the applicant has not looked very far or very hard.”

It is the view of Bottisham Medical Practice that the development of such a retirement village would be better placed in an area which does not already have three nursing homes and a care home with an already heavily weighted demographic of residents over the age of 65. This will ensure that we can continue to deliver vital healthcare services to those already living in the village and surrounding areas.

3. We would like to highlight the following comment made is a general comment and does not address the actual reality of Bottisham Village and the surgery which already looks after Hilton Park Nursing Home, Oakland, Eden View and Queens Court. This general statement is not the experience of Bottisham Medical Practice and we refer to our previous comments relating to the level of support we provide.

“75. Sometimes NHS CCG teams are concerned about the impact of their local doctors surgeries. However, evidence indicates that there is a positive benefit, in line with the commentary above. Periodic surgeries can be made available in house within the scheme so a visiting GP can combine multiple consultations into one visit. The presence of on site care staff also reduces the number of unnecessary trips to GPs, thereby reducing waiting lists rather than increasing them. The concentration of individuals within one place should also assist in reducing the need for community nurses and there are obvious advantages of having residents within one geographic location.

76. Further, the pressure on GPs will not be a direct result of the proposed development – demand is not created, it is catered for and the new scheme will provide much needed facilities to help battle the rising demographic pressures across the area.“

This area already has a disproportionately large amount of nursing and residential home provision compared to other areas of Cambridgeshire and Peterborough. The homes in Bottisham currently have availability for new residents. One of the nursing homes also has 19 interim beds providing interim care for patients being discharged from secondary care. There are approx. 40 interim beds in Cambridgeshire & Peterborough Clinical Commissioning Group. We are one of the smallest practices in this Clinical Commissioning Group caring for the highest proportion of these patients who require a significantly increased level of care compared to permanent nursing home residents.

We must be clear, in no way would the addition of another retirement home be a positive impact on the GP practice or the surrounding community. Residents of

advancing age naturally have multiple health conditions requiring advanced care planning, multiple visits and GP interventions and often palliative care which is very heavy on resource requirements.

The COVID-19 pandemic has also highlighted the dangers of grouping large numbers of clinically vulnerable people together in residential care whereby the virus spread at a rapid rate and resulted in the widely reported large death rates in elderly care facilities. Although it is highlighted patients will be in their own units the staff will be working across a wide number of units so does not decrease the risk of infection.

4. The recruitment and retention of staff has not been adequately addressed. The inability to recruit and maintain staff has a negative impact on resources at Bottisham Medical Practice. If the homes currently have issues with recruitment and retention the situation will only be made worse by an additional facility requiring an additional 150 staff.

Previous comments:

- our practice already provides care to two large residential and nursing homes within the village
- we already have a disproportionately high number of existing elderly patients relative to our small practice list size
- the development will impact detrimentally on our existing patient population
- evidence suggests that residential/nursing home residents have disproportionately high mortality rates from covid-19
- the development will impact adversely on levels of congestion and traffic within the village
- recruitment and retention of nursing care staff is likely to be problematic

CPRE – 15th December 2020 (comments on revised proposal)

The Cambridgeshire and Peterborough Branch of the Campaign to Protect Rural England (CPRE) maintain their strong objection to planning application 20/00296/OUM, for all the reasons expressed in our letter dated 16th April 2020. CPRE continues to fully support the objections to and comments about this application previously and recently submitted by residents, Bottisham Parish Council and local District Councillors.

CPRE believes that the additional area of affordable housing proposed is not consistent with policies HOU 2 and HOU3 of the current Local Plan 2015.

CPRE fully supports the Planning Inspectorate's Dismissal of Appeal ref: APP/V0510/W/18/3210766, relating to 187, High Street Bottisham, the current site, dated 19th February 2019 and development on designated Greenbelt land.

CPRE notes that ECDC currently demonstrates a 5 year land supply and is in the process of completing and submitting a revised Local Plan. Despite the recent changes, this retirement village is not in keeping with the National Planning Policy Framework or the adopted 2015 Local Plan regarding the exceptional development of Green Belt land.

CPRE considers that this application remains an inappropriate development that will cause severe and lasting damage to the local landscape and to the village character of Bottisham. CPRE reiterates its request that this application be refused.

Previous comments

- CPRE fully supports the objections to and comments about this application previously submitted by residents, Bottisham Parish Council and local District Councillors.
- CPRE fully supports the Planning Inspectorate's Dismissal of Appeal ref: APP/V0510/W/18/3210766, relating to 187, High Street Bottisham, the current site, dated 19th February 2019 and development on designated Greenbelt land.
- CPRE notes that ECDC currently demonstrates a 3.7 year land supply and is in the process of completing and submitting a revised Local Plan. This retirement village is not in keeping with the National Planning Policy Framework or the adopted 2015 Local Plan regarding the exceptional development of Greenbelt land.
- CPRE considers that this application is for an inappropriate development that will cause severe and lasting damage to the local landscape and to the village character of Bottisham. CPRE requests that this application be refused.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing Mix
HOU 2	Housing density
HOU 3	Affordable Housing Provision
HOU 6	Residential Care Homes
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 14	Sites of archaeological interest
ENV 9	Pollution

- ENV 10 Green Belt
- ENV 11 Conservation Areas
- ENV12 Listed Buildings
- ENV14 Sites of Archaeological Interest
- COM 4 New Community Facilities
- COM 7 Transport impact
- COM 8 Parking provision

Village Vision: 8.5 Bottisham

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

Natural Environment

Climate Change

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed places
- 13 Protecting Green Belt land
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

Due regard has been had to the guidance.

7.0 **PLANNING COMMENTS**

7.1 The material planning considerations relevant to this application are the principle of development, residential amenity, development within the Green Belt and visual amenity, historic environment, highway safety, ecology, flood risk and drainage and various other matters material to the application.

7.2 **Principle of Development**

7.3 The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status

of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

- 7.4 The C2 specialist housing as well as the affordable housing contribution would go towards meeting part of the overall housing need for the district. Since April 2020 the Council has been able to demonstrate an adequate 5 Year Housing Land Supply, as demonstrated first in its Five Year Land Supply Report - 1 April 2019 to 31 March 2024 (published April 2020) and later in its updated Five Year Land Supply Report - 1 April 2020 to 31 March 2025 (published December 2020). The latter report confirmed that from 1 January 2021 the Council had a 6.14 year supply of deliverable housing land. That calculation included a 20% buffer as required by paragraph 73 of the NPPF based on a 2019 Housing Delivery Test (HDT) result of 66%. The 2020 HDT result (published in January 2021) indicates that housing delivery in the district has improved to 87%. As a result of the HDT exceeding 85%, the appropriate paragraph 73 buffer falls to 5% which has the effect of increasing the Council's housing land supply to 7.01 years.
- 7.5 This adequate housing land supply means that the Council considers its policies relating to housing delivery up-to-date and gives them full weight in the determination of this application. As such the tilted balancing exercise as set out in para 11(d) of the NPPF is not enacted.
- 7.6 The provision of older persons housing with care, falls within the C2 Use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposal is in outline with only access being considered, however, the proposal would trigger the need for affordable housing due to the market housing element of the proposal, in line with the recent High Court case Rectory Homes Limited v SSHCLG and South Oxfordshire District Council [2020].
- 7.7 Policy HOU3 of the adopted Local Plan 2015 requires all developments for open market housing of more than 10 to deliver 40% affordable housing in the south of the District. Although an independent Viability Assessment published in October 2017 found that 30% would be a more viable position. This matter formed a previous reason for refusal on the report which was subsequently withdrawn from committee and the applicants have been given the opportunity to amend this element of the scheme. As a consequence, the introduction of 30% affordable housing in C3 use (approx. 51 dwellings) has been incorporated into the scheme.
- 7.8 Following the inclusion of the affordable housing element of the scheme, the indicative drawings have been amended to demonstrate how a scheme of this scale and size can be satisfactorily accommodated on the site.
- 7.9 The scheme proposes a Retirement Care Village to cater for individuals with a medium to high level of care requirements living in purpose-built or adapted flats/bungalows. Residents would be able to live independently with 24 hour access to support services and staff, including dining facilities, hair salon, fitness suite, activity workshops and recreational sports facilities such as a bowling green with some of these facilities being open to the general public. The accommodation

would be aimed at people within the 70-90 age bracket and would be available for sale on a leasehold basis or for market rent. The concept has been called 'private extra care' and the applicants note that there is only one other scheme similar to this which is located at Roslyn Court, Lisle Lane, Ely. The accommodation would comprise 170 beds across a range of accommodation types with a central hub which would be approximately 12m (39 ft) in height. There would be employment benefits both in the construction of the development and 82 full time equivalent jobs would accrue as a result of the development.

7.10 The site is located outside of the development envelope of Bottisham and within the Green Belt where development is strictly controlled. National and local planning policy states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The applicants have set out in the supporting information that there is substantial unmet need for private extra care units in the area and consider they have demonstrated 'there is both a compelling and quantitative and qualitative need for the proposed development' and this would outweigh any harm.

7.11 Policy HOU6 of the East Cambridgeshire Local Plan, 2015 relates to Residential Care Accommodation. The supporting text of the policy recognises the need in the District to provide care accommodation for various groups of people for rehabilitation, and out of hospital care, including the elderly, people with disabilities, and vulnerable people. Policy HOU6 states:

"Residential care accommodation should be located within a settlement that offers a range of services and social facilities. The design and scale of schemes should be appropriate to its setting and have no adverse impact on the character of the locality or residential amenity. Applicants will be expected to provide evidence of need for the provision.

As an exception, proposals for care or nursing homes may be acceptable on sites outside development envelopes where:

- The site is located adjoining or in close proximity to a settlement which offers a range of services and facilities, and there is good accessibility by foot/cycle to those facilities;
- The proposal would not cause harm to the character or setting of a settlement or the surrounding countryside; and
- There is an identified need for such provision that is unlikely to be met within the built-up area.

7.12 In terms of the need for a facility of this type in this location, in view of the current pandemic and how this continues to affect care facilities nationwide, an inaccurate picture would emerge concerning the number of vacancies within the current residential care homes at Hilton Park, Queens Court and Eden View which collectively cater for residential care within the village of Bottisham. It would not be appropriate to venture an opinion on current vacancy levels at this time. However, as pointed out by the Adult Care Commissioner, self-funder placements are available at these care homes. The County Council have stated that in Bottisham there is already very significant provision for residential care in the village

comprising of 147 beds at Hilton Park (Oaklands and the Care Centre) for Nursing and Nursing Dementia, a further 55 beds at Queens Court for Residential and Residential Dementia and 10 beds at Eden View for specialist nursing for younger adults. They do not feel that it would be necessary to increase capacity within Bottisham in terms of Residential, Residential DE, Nursing and Nursing DE provision.

7.13 From an Extra Care perspective, the County Council is still of the opinion that just because the development would be privately run would not change their view regarding the significant provision that already exists in Bottisham. There is currently a total of 149 units of Extra Care in East Cambs. These are located in Soham (Millbrook 87 units), Baird Lodge in Ely (35 units), Roslyn Court in Ely (57 units) and Ness Court in Burwell (27 units). Part of the North Ely development was also given outline approval for a residential care or extra care facility. Currently, there is no waiting list for people to move into extra care and this is not an unusual situation for these schemes. However, whilst there is a degree of certainty from the County that East Cambs is not, at this present time, a priority area for the development of new schemes, the requirements of an aging population would still need to be factored into future schemes commensurate with the level of growth experienced within the district.

7.14 Concerns have been raised in the letters of representation and in particular from the Bottisham Medical Practice, who have continued to state that their practice already provides care to two large residential and nursing homes within the village. With a disproportionately high number of existing elderly patients relative to their small practice list size, the development would have an impact on their existing patient population.

7.15 The following table also demonstrates recently approved and extant schemes that cater for residential care facilities, namely:

17/00880/OUM	Outline planning application for 150 residential dwellings (Use Class C3), a 75-bed care home (Use Class C2), a local shop (Use Class A1) and an ancillary medical consultation facility (Use Class D1) along with public open space and associated infrastructure with all matters reserved other than the means of access into the site	Scotsdales Garden Centre, 41 Market Street, Fordham	Approved, 8th August 2018
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	from Market Street / Soham Road and Station Road.		
19/00771/FUM	Development of the land to provide a new 70-bedroom care home (Use Class C2), a children's nursery (Use Class D1), 18 dwellings (Use Class C3) and associated access, car and cycle parking, structural landscaping and amenity space provision.	Land Parcel East of 2 The Shade, Soham	Approved, subject to S106 legal agreement (pending)
17/02002/FUM	Erection of a three storey sixty six bed care home for older people with associated car park, access and landscaping.	Land North of Cam Drive, Ely.	Approved, 6th April 2018
18/00752/ESO	Sustainable 'Garden Village' extension to Kennett - residential-led development with associated employment and community uses (including care home and/or sheltered housing) and a new primary school with a pre-school (nursery) facilities, supporting infrastructure and open space/landscaping	Land Southwest Of 98 To 138 Station Road Kennett	Approved 15.04.2020
13/00785/ESO	Residential led development of up to 1,200 homes with associated employment and	land to the west of Lynn Road in Ely	Approved 20.06.2016

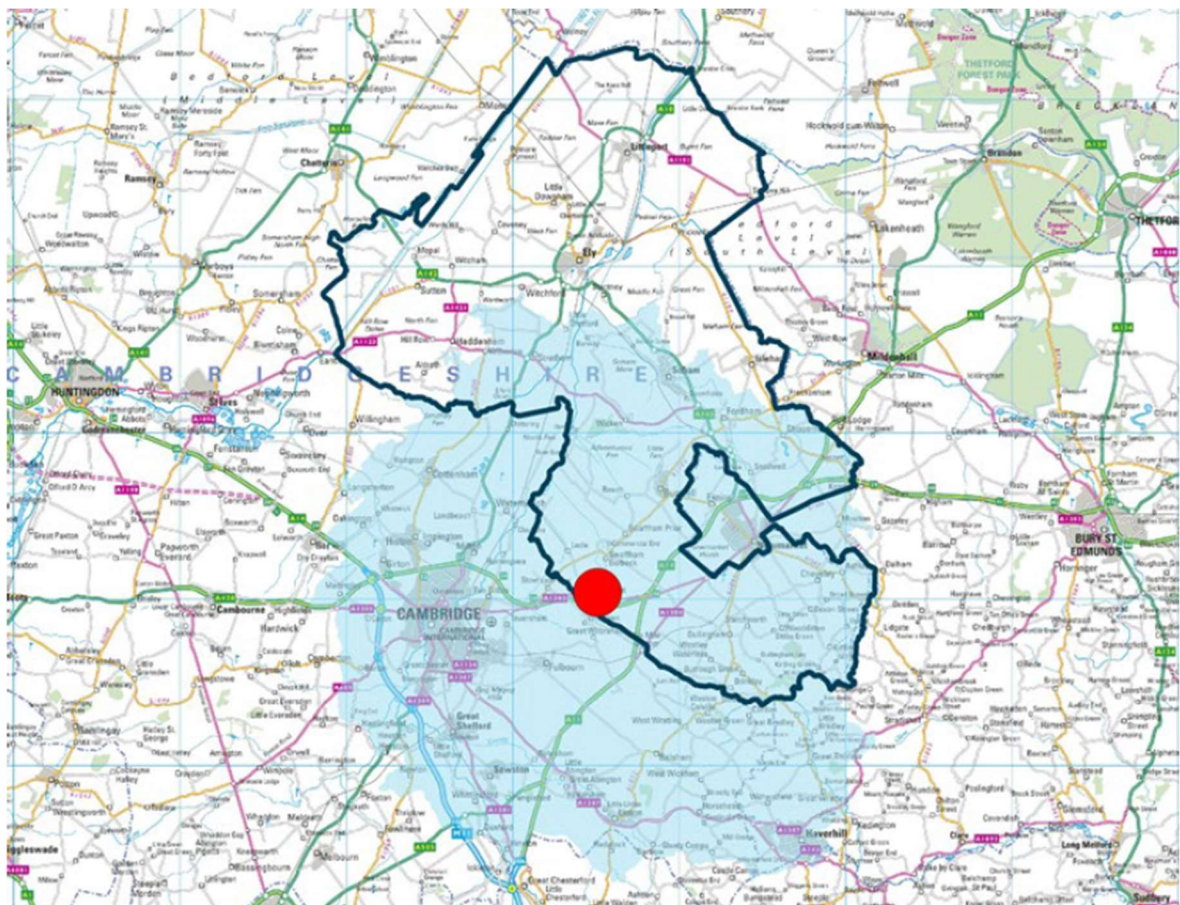
	community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping		
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- 7.16 Cambridgeshire County Council and Peterborough City Council have jointly produced their first Market Position Statement – 2018-2019 (MPS), for Adult Social Care which identifies the key pressures in adult social care and highlights the commissioning intentions and its direction of travel. The findings reveal that by 2026 the population is projected to increase by 40% (65-74 year olds), 66% (75-84 year olds) and 73% (85+ year olds) which would create significant funding issues. The MPS indicates that both joint authorities are experiencing difficulties in recruiting and retaining care workers. As a consequence, both Councils acknowledge that they need to explore how adult social care support can be undertaken differently. The MPS indicates that “people have better lives when they are supported to remain as independent as possible in and by their communities”. In East Cambridgeshire the MPS states that there is a significant shortage of nursing and nursing dementia placements; homecare capacity and shortage of personal assistants. This would be felt more acutely during the COVID-19 pandemic.
- 7.17 In terms of how adult social care for those who own their own home is managed, the joint Councils are currently developing a ‘Self-funder Strategy’ which will enable self-funders to access provision to maximise their independence. It is acknowledged, however, that information on accommodation for ‘self-funders’ is not readily available at the time of writing this report.
- 7.18 In this respect the applicants were concerned that this aspect was not fully supported in the original planning report, and as such, the type of accommodation being proposed was not recognised. The retirement care village is tailored for ‘self-funders’ who would downsize from their homes and purchase/rent a unit in the retirement village.
- 7.19 At present, self-funders pay for their accommodation and care within the many residential care homes and when those funds run out, the funding would then be taken over by the County. The concept of the retirement village is that those units are purchased/rented by the residents thus freeing up the spaces in the residential care facilities. However, the care provided would not be private health care, and as such, the concerns identified by the Bottisham Medical Practice are well founded as they could be faced with an instant increase in the number of frail and vulnerable adults who would, virtually overnight, become their patients. Whilst the applicants argue that additional doctors could be hired, it is important to stress that until the medical conditions of each new resident are known then the current funding available may not meet with the range and volume of medical conditions displayed by residents, all of whom would be newly added to the GP surgery. Moreover, medical conditions would increase and/or deteriorate in range and severity as time went by. The medical practice would forever be playing catch-up. Irrespective of this the County Council Adult Care Commissioner is still of the view that Bottisham

is well supported by its existing care provision such that this facility is not required within the village.

7.20 The applicants have submitted additional information in the form of a letter dated 29th September 2020 by Carterwood, who prepared the Planning Need Assessment (PNA) for the original planning application submitted in February 2020, and a report entitled Advice on Health and Social Care for the development of a retirement care village.

7.21 The PNA submitted with the application states that ‘on average, residents travel 19.6 miles from their previous homes to move into a well specified private extra care village’, with 30% of residents coming from 10 miles away or more and that there is a “significant under-supply of private extra care with an indicative demand for over 555 units in the market catchment area and 218 in the East Cambs area”. Whilst the resultant lack of private extra care as a percentage of the overall provision has not been stated, it is estimated that just 13.5% of existing private extra care provision is available in the market catchment area, with only 20% within the East Cambs area. For information purposes, a map of the market catchment area is indicated below. Clearly, there is a significant under-supply of private extra care within the market catchment area, much of which falls outside of the district of East Cambridgeshire.



7.22 The PNA then suggests that the local authority is only seeking to meet the needs for those individuals in funded beds in care homes rather than the significant proportion of individuals who would need to fund their own care in a care home. As a

consequence, “there is little extra care accommodation for private purchase or market rent in the two assessed catchments”. However, as Bottisham is located on the district border with Central Cambridge/South Cambridgeshire, it would be fair to say the development would be more attractive for those residents living in the south of the district or Central Cambridgeshire rather than to the north of the district within Ely, Littleport or even Soham where the Council is concentrating its areas for growth, in accordance with the locational strategy as set out in policy GROWTH 2 of the Local Plan, and where the Council would focus residential care facilities to enable more people to access this type of facility, albeit Soham is within the market catchment area.

- 7.23 In referring to the Sheffield Hallam/CRESR Report [Nov 2017] the PNA quotes that “There are signs that general needs housing may present problems for older people, with 37 % of private sector stock (across Cambridgeshire) failing to meet Decent Homes Standards and containing hazards which increase the chance of trips and falls”.
- 7.24 In conclusion, the Sheffield Hallam/CRESR reports that “If home adaptations, as has been suggested¹, can delay entry into residential care by four years, then the impact of this on the flow of residents into such specialist housing and residential settings may be significant. Add to this the potential to build new homes to the Part M4 specifications, and this may diminish demand for specialist housing, with potential secondary impacts on domiciliary care”.
- 7.25 Whereas this report refers to the Greater Cambridge area and parts of South Cambridgeshire, in East Cambridgeshire the district recognises the need of providing housing for potentially vulnerable elderly and single person households and aims to ensure that a proportion of new housing built is suitable, or easily adaptable for occupation by the elderly or people with disabilities (Lifetime Homes Standard or equivalent). Moreover, all new homes would be required to meet Part M of the Building regulations which recently introduced two new optional accessibility standards. It would also need to be considered that a percentage of elderly people would wish to remain in their homes for as long as possible and not move away from what is known to them. Building new homes to the ‘lifetime homes standards’ assists in enabling people to live independently, a fact that the Sheffield Hallam/CRESR recognises.
- 7.26 The document entitled ‘Advice on Health and Social Care for the development of a retirement care village’ has been submitted by the applicants and reviews strategic documents relating to the commissioning of primary care and adult social care, as well as its meetings with local stakeholders with a view to highlight relevant information that either supports or opposes the development.
- 7.27 The key findings of this document are that the retirement village would:
- meet the strategic health and social care needs of the community;
 - meet the needs of the over 65 population who are homeowners;
 - be centred around a social hub which allows integration with other members of the development.

¹ See <https://www.hsj.co.uk/finance-and-efficiency/tracking-the-care-journey-holds-the-key-to-a-better-life/7013587.article>

- 7.28 In reviewing the information submitted and without the benefit of the 'Self-Funder Strategy' which is being prepared by Cambridgeshire County and Peterborough City Councils, the Council would not disagree with the applicants view that 'self-funders' are under-represented within the overall health care strategy for which this type of retirement village would provide. Clearly, this form of accommodation would reduce the cost of the accommodation on offer and would provide an alternative to the standard residential care facility and an opportunity to buy into a retirement care village with healthcare provided by the NHS. However, by demonstrating that this is an attractive alternative, does not automatically suggest this should outweigh the harm proposed by the location of the proposal within the Green Belt.
- 7.29 The applicants consider they have demonstrated that very special circumstances exist and that the need for a facility of this size, scale, bulk and massing outweighs any harm to its location in this part of the Bottisham Green Belt. The applicants have stated that there are no sequentially preferable sites to provide this development, although no evidence has been submitted to support this. The benefits of a retirement care village have been explained and have been noted. However, whilst the information submitted alludes to there being no other suitable sites within the District for this type of development, including non-Green Belt sites, no information has been provided to demonstrate this fact. The applicants have therefore failed to provide conclusive information as to which sites have been considered and discounted. For the site, which is located outside the development envelope, and within the Green Belt, very special circumstances would need to have been demonstrated to outweigh the harm to the special character of the Green Belt. Moreover, a similar application (albeit, not located within East Cambridgeshire) has been dismissed at appeal, due to the fact that special circumstances had not been demonstrated and its impact on the openness of the Green Belt, historic environment and visual detriment. A copy of the appeal decision (APP/B1930/1/19/3235642) is attached as Appendix 1.
- 7.30 It is still considered that very special circumstances have not been demonstrated and that the scheme does not fall within any of the exception criteria stipulated in Policy ENV10 or Chapter 13 of the NPPF and would have a substantially greater impact upon the openness of the Green Belt than existing and would result in substantive harm to the openness of the Green Belt.
- 7.31 The impact on the landscape character and visual amenities of the area is considered to be irrevocably harmed by the proposed development. The inclusion of the affordable housing within the north-western section of the site erodes further its openness. The site is located outside of the development envelope and in terms of Policy GROWTH 2 the location of development would be restricted unless it falls within one of the exceptions listed in the policy. Whilst residential care homes (and affordable housing exception schemes) are exceptions listed, and would be accepted under this policy, it would also need to satisfy the aims and objectives of Policy HOU6. As demonstrated in paras 7.12 – 7.15 there are already a number of residential care homes in Bottisham, with vacancies, moreover, there is no waiting list for people to move into extra care, albeit at the time of writing this report the country is experiencing a pandemic which has seriously affected the way in which residential care is provided. The position of the buildings which project into open countryside is further compounded by the indicative height and layout of the

scheme contributing to an urbanising effect on the eastern side of Bottisham which would harm the special character of this part of the village and would be contrary to Policies ENV1 and ENV2 of the adopted Local Plan 2015.

- 7.32 In terms of impact on pedestrian and highway safety, additional information has been submitted to the satisfaction of the Transport Assessment Team at Cambridge County Council who have removed their holding objection subject to mitigation measures imposed by condition. The scheme is considered to provide safe access to the site and would not result in implications on highway and pedestrian safety.
- 7.33 It is considered that an acceptable level of residential amenity can be adequately provided for existing and future occupiers of the site, subject to further details required on the positioning of some bedroom windows to ensure noise level are kept at an acceptable level, without relying on mechanical ventilation. The impact on existing residential amenity is also considered satisfactory.
- 7.34 The applicants have also demonstrated to the satisfaction of the Wildlife Trust that there could be a net environmental gain represented on site (subject to further information being submitted at the detailed design stage), and that a suitable sustainable urban drainage strategy can satisfactorily accommodate surface water drainage. There is also existing capacity within the sewerage network to accommodate the increase in development.
- 7.35 The scheme would also provide a number of community facilities which would be available to those outside of the retirement care village.
- 7.36 In terms of the NPPF, the harm to listed buildings, being less than substantial, should be weighed against the public benefits of the proposal including where appropriate, securing their optimum viable use. As noted within the relevant section of the report, the proposal provides a number of community benefits in the form of public open space and the retention of public viewpoints both of which are public benefits. The degree of harm is considered to be less than substantial in terms of the NPPF and within the lower end of the spectrum of harm. The impact on the historic environment is considered to be acceptable.
- 7.37 To conclude it is considered that the case for very special circumstances to overcome the, in principle and actual harm to the openness of the Green Belt, has not been made and the proposal would result in significant harm to the openness of the Green Belt and result in the urbanisation and domestication of the site and a loss of the characteristics of this part of the Bottisham Green Belt. The proposal is therefore not considered acceptable in principle.

7.38 Residential Amenity

- 7.39 The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers.
- 7.40 Bearing in mind the size of the site and the indicative location of the development, it is accepted that the scheme would be able to achieve a satisfactory relationship with existing residential development and would not detrimentally impact on the

residential amenities in terms of overlooking, visual intrusion, loss of privacy as well as any loss of sunlight/daylight and that these issues could be comprehensively assessed at the reserved matters stage.

7.41 Within the PNA, the applicants have emphasised the health and wellbeing benefits of living within a retirement care village with its own dedicated services and facilities which would benefit older people residing at the site. The applicants state that this would improve the quality of life of elderly residents, who would normally be living alone and isolated, and who would live as part of a community, supported and cared for. In this respect the living environment of future occupiers of the site would be acceptable.

7.42 The applicants have submitted an Acoustics Report [Hoare Lea LLP – November 2020] which has measured survey data to assess the suitability of the site for development of the residential units. The report finds that the existing noise is determined by road traffic movements on the A14 and A1303. The Council's Environmental Health Officer has commented on the proposal stating that on examining the illustrative Masterplan the site has been sensibly laid out, but once the final layout has been agreed a revised Noise Impact Assessment should be submitted. In any event for the avoidance of doubt the Council would request a condition preventing the installation of any external mechanical plant on any future reserved matters application.

7.43 It is considered that the proposal could achieve a satisfactory living environment for both existing and future occupiers and these matters would be comprehensively assessed at the reserved matters stage. The proposal therefore complies with ENV2 of the adopted Local Plan 2015.

7.44 Development within the Green Belt and Visual Amenity

7.45 Section 13 of the NPPF - Protecting Green Belt Land at para 143 states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.

7.46 Policy ENV1 of the Local Plan 2015 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 ENV2 of the Local Plan 2015 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas.

7.47 Policy ENV10 of the adopted Local Plan 2015 is in general conformity with the NPPF, in that where development is permitted within the Green Belt it must be:

- Located and designed so that it does not have an adverse effect on the rural character and openness of the Green Belt; and
- Subject to landscaping conditions, together with a requirement that any planting is adequately maintained to ensure that any impact on the Green Belt is mitigated.

7.48 The Applicants have suggested that there is an inconsistency within the wording of Policy ENV10 in that it conflicts with the NPPF by adding a further test that development must not have an adverse effect on the rural character and openness of the Green Belt. However, design and location are pre-requisite requirements of 'appropriate development' and relate to those uses which require a rural setting and preserve the openness of the Green Belt.

7.49 Development will therefore be strictly controlled, and generally linked to those uses which require a rural setting and preserve the openness of the Green Belt. Para 145 of the NPPF sets out clear guidance on the types of buildings and development that may exceptionally be permitted in Green Belt areas, as listed below:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.50 Paragraph 146 of the NPPF also states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.51 The proposed development of the site for a Retirement Care Village does not fall within any of the above criteria and therefore does not meet the requirements of the NPPF. However, 100% affordable housing on exception sites would meet with criteria f) of para 145 of the NPPF and Policy GROWTH 2 of the adopted Local Plan 2015. Given that the affordable housing element of the scheme is a direct consequence of the proposal for a retirement care village/C2 residential use proposed, then this cannot be considered in isolation but rather as a component of the scheme proposed.

7.52 The NPPG sets out what characteristics can be taken into account when assessing the impact of a development upon openness. It sets out that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant as could its volume;
- The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- The degree of activity likely to be generated, such as traffic generation.

7.53 The applicants have revised the Green Belt Assessment (GBA) - November 2020 which was submitted with the original application and refers to the Cambridge Inner Green Belt Boundary Report for Cambridge City Council and South Cambridgeshire District Council. The GBA notes that “key views of Cambridge would not be affected, and that the proposal would extend the existing village edge but no further north than the existing development on Beechwood Ave”. It does concur that the development would extend beyond the development at Hilton Park to the east, although “would not reduce the physical gap”. The part of the site on which the development is proposed measures approximately 4.12 ha (10.18 acres) and the proposal would encircle Field 1. The GBA considers the scheme would bring the field within the village”. But notes “there would be a change in outlook from the properties which have existing views across the site, particularly those with views of Field 2, thus diminishing the rural setting of small areas of the village edge”. As such, “development of the site would result in a degree of encroachment on the countryside in conflict with NGB Purpose 3”.

7.54 It is pertinent at this point to remind members that there are five purposes set out in para 134 of the NPPF referred to in the GBA as NGB [National Green Belt]. These are:

- A) To check the unrestricted sprawl of large built-up areas;

- B) to prevent neighbouring towns merging into one another;
- C) to assist in safeguarding the countryside from encroachment;
- D) to preserve the setting and special character of historic towns; and
- E) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.55 The GBA further states that the “proposed retirement care village buildings would have a total footprint of approximately 8,000sqm (8,611sft) and a max height of 12m (39.3 ft). The total footprint of affordable housing units would depend on the number of units required at reserved matters stage and would have a max height of 8.5 m. (27.8ft). In spatial terms this represents a significant volume of built development within the Green Belt” it goes on to state that “in addition there is likely to be external walls, fences, steps, ramps lighting signage garden features, roads, footpaths and parking as well as an increase in activity”. It concludes that “Overall, therefore, the development proposals will have an adverse effect on the openness of the Green Belt.

7.56 The degree of harm has also been assessed, with the GBA finding 2 aspects of harm namely, NGB purpose 4 and Cambridge Green Belt purpose 2 arising from the extension of Bottisham Village into the application site.

7.57 The Assessment identifies that “the proposed development will result in a loss of openness of the GB. The volume of new development will be significant, and there will be a change to the visual perception of openness and the degree of activity associated with the site as a result of the development. They will be apparent within the site itself and the area of the GB parcel close to the site, but the effects on the GB parcel beyond the site will reduce as the tree planting proposed along the site boundaries matures, resulting in a Moderate degree of harm arising from loss of GB openness. In relation to Policy ENV10, the proposed development will have a moderate adverse effect on the openness of the GB but no effect on its rural character”.

7.58 It is of concern, however, that the applicants consider the significant degree of harm to the Green Belt beyond the site would reduce as the tree planting matures resulting in “moderate harm” even though within the site itself the change to the visual perception of openness could never be mitigated. What is being proposed is an attempt to conceal the scale, bulk and massing of buildings in engineered long range views through gaps in the building line or by locating the main building behind an existing line of trees, which it is proposed to reinforce with additional landscaping. Notwithstanding the fact that years may elapse before the newly planted trees form an adequate screen to disguise the development, the art of applying soft landscaping within any new scheme should be a means of framing the development, not obscuring it. The National Design Guide, Section 11 “requires development to respond to existing local character and identity which is made up of typical characteristics such as the pattern of housing, and special features that are distinct from their surroundings.” Relying on landscaping features to obscure development is not a concept of good design and is contrary to the aims and objectives of Policy ENV2 of the adopted Local Plan, in that the design of development which fails to have regard to local context including architectural traditions and does not take advantage of opportunities to preserve, enhance or

enrich the character, appearance and quality of an area will not be acceptable and planning applications will be refused.

- 7.59 In para 7.29 of the Report to Committee, Members attention was drawn to an appeal decision for a retirement care village comprising a 64 bedroom care home, 126 assisted living bungalows and apartments, a community clubhouse etc on a horticultural site within the Green Belt in Chiswell Green, St Albans, which was dismissed at Appeal (APP/B1930/1/19/3235642). See Appendix 1. The Inspector considered “*the determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. However, very special circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other consideration. Consequently, for the appeal to succeed, the overall balance would have to favour the appellants’ case, not just marginally, but decisively.* The Inspector concluded that: “*despite the considerable merits of the development, the inherent conflict with the development plan and national policy with regard to harm to the Green Belt, designated heritage assets and character and appearance, lead me to conclude that the very special circumstances necessary to justify the proposed development have not been demonstrated*”.
- 7.60 The proposed development in Bottisham would result in an expanse of buildings sprawling across the northern, western and eastern edges of the site as well as the access road and parking areas. Whilst the indicative layout would result in the retention of parts of the pasture and arable land, mitigating some of the negative effects of the built form on the openness of the Green Belt, the proposed indicative layout would introduce numerous buildings along these boundaries which are currently devoid of any buildings.
- 7.61 A Landscape and Visual Impact Assessment (LVIA) [Viridian Landscape Planning – November 2020] has been submitted with the application and this document places the site within the Chalklands Landscape Character Area (LCT) (Cambridgeshire Landscape Guidelines), defining the large-scale landscape by large fields, bold shelter belts and sweeping masses of woodland. The Report continues that the site also has some of the key characteristics of the Lowland Village Chalkland LCT in that it is low-lying with medium to large sized fields enclosed by hawthorn hedges.
- 7.62 It is acknowledged that its Green Belt land use designation does not imply landscape value or a valued landscape, the fact that the landscape falls within the green belt is just another material consideration to be assessed in the evaluation of the planning application. However, as described above the flat, open semi-parkland character populated by groups of mature walnut trees does lend a tranquil setting to the village and from views into the site from the Public Right of Way (PROW). This PROW runs the complete length of the western boundary and forms a key setting for the Conservation Area and the Listed Buildings within the south western section of the site.
- 7.63 In concluding, the LVIA states that adverse landscape effect of *moderate significance* on the landscape character of the site are predicted for both the northern and southern fields during the construction but would reduce to *minor significance* by 15 years after completion due to maturing planting.

- 7.64 The visual effects have been taken from eight viewpoints, each of which have two more receptor groups. Adverse visual effects of *major significance* are predicted for pedestrians/walkers at only three viewpoints all of which are close to the site, on or near PROW 25/10 along the western boundary during construction and on completion. However, these are predicted to reduce to *moderate significance* after 15 years with maturing mitigation planning.
- 7.65 Clearly the impact on visual amenity has been a key consideration in the indicative layout which sites most of the built environment within the north-western and north-eastern corners of the site, leaving much of the remaining site for landscaping and public open space.
- 7.66 However, in placing buildings completely along the rear boundary which abuts open countryside, the proposal would extend the amount of built environment further into the countryside than any of the existing areas of built form found in the eastern part of Bottisham village. The application proposes and shows indicatively a 12m (39ft) high building with car parks catering for approximately 176 vehicles as well as new road layouts with an additional 51 affordable (approx.) housing units which would extend the line of existing dwellings from Rowan Close into the site.
- 7.67 It is considered the development would dominate the area and the skyline in this part of the site. Bearing in mind that most of the district is represented by flat low lying pasture land, then this edifice would mask the views currently experienced along the PROW, and in effect mask the current views of the open countryside beyond. Not only does the proposal extend beyond the defined development envelope for Bottisham but it introduces a discordant form of development totally at odds with the prevalent character of development represented in Bottisham. It also alters the visual effects and extends directly into undeveloped and open Green Belt land with no exceptional circumstances applicable.
- 7.68 It is considered that on the basis of the submitted information that the development of this site to provide a 170 bed retirement care village plus approximately 51 affordable dwellings would have a substantially greater impact upon the openness of the Green Belt than existing and would result in substantive harm to the openness of the Green Belt. The scheme would result in the urbanisation of this area beyond existing development resulting in a negative and built-up environment and as a result the substantial harm caused to the openness of the Green Belt demonstrably outweighs the public benefits of the scheme.
- 7.69 Overall the proposal is considered to be inappropriate development that is harmful to the openness of the Green Belt. Whilst it is acknowledged there would likely be a need for C2 residential accommodation for self-funders, it is still not clear what that level of need is. Furthermore, the applicants have not demonstrated a sequential approach has been taken with regard to identifying more suitable sites on non-Green Belt sites, such that no very special circumstances have been demonstrated to outweigh the actual harm. The development would therefore result in a substantial loss of openness and would conflict with the purposes of the Green Belt.
- 7.70 It is considered that the proposal, for the reasons outlined above, would have an adverse effect on the rural character and visual amenities as well as the openness

of the Green Belt. As such it is considered to fail to comply with the NPPF and Local Plan policy and comprises inappropriate development.

7.71 Historic Environment

- 7.72 Policy ENV14 of the Local Plan requires that development proposals at or affecting all sites of known or potential archaeological interest will have regard to their impact upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains, heritage assets and their settings. Policy ENV14 further requires the submission of an appropriate archaeological evaluation/assessment by a suitably qualified person. This initial work may be required prior to the submission of a planning application.
- 7.73 The application has been accompanied by an Archaeological Evaluation Report [Cotswold Archaeology dated November 2020]. The report found that the majority of the artefactual evidence found across the site proved post-medieval or modern in date. This is considered to be not unexpected given that the site has been under continuous agricultural cultivation.
- 7.74 The County Archaeologist has raised no objection to the scheme subject to further investigation. A suspected human cremation burial (likely to be prehistoric, requires further examination) and a number of late Saxon to Medieval features not connected with agricultural process was found in discrete areas of the site. These would require investigation prior to any construction activity, were the site to be granted consent. The evaluation confirmed that no remains of national importance were present. It is therefore considered that the harm to any potential archaeological remains could be mitigated through further work being undertaken.
- 7.75 In terms of the impact on the Conservation Area and Listed Buildings the scheme has been accompanied by a Heritage Statement [Cotswold Archaeology dated November 2020]. Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Policy ENV11 of the adopted Local Plan 2015 seeks to ensure that development proposals preserve or enhance the character or appearance of conservation areas and Policy ENV12 requires new development that affects the setting of a Listed Building to 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, nor materially harm the immediate or wider setting of the Listed Building.
- 7.76 The site is located in proximity to a number of designated heritage assets with parts of the southern area extending into the Bottisham Conservation Area. The report states that given its proximity to the site, Bottisham House (Grade II Listed) would be most notable. The significance of Bottisham House predominantly derives from its evidential (architectural) and historic values as well as the contribution of its setting. The approach along the driveway to the House would be maintained and the important points of appreciation of the house itself would remain unaltered. However, the development would alter how the house is experienced due to a change in the views northwards and eastwards from the upper storey and as a result of change to the designed view through the Clairvoyee.

- 7.77 The Council's Conservation Officer still considers the Heritage Statement's characterisation of the heritage impacts as less than substantial harm to the closest assets (Bottisham House, Bottisham Conservation Area) affected and no impact to others is a fair conclusion and given the separation distances involved in the indicative layout, there are no fundamental conservation concerns.
- 7.78 The degree of harm is considered to be less than substantial in terms of the NPPF and within the lower end of the spectrum of harm. As such, caselaw makes it clear that s66 of the Act requires consideration, importance and weight to be afforded to that harm. The NPPF and Policies ENV11, ENV12 and ENV14 emphasise that the conservation of archaeological interest is a material consideration in the planning process.
- 7.79 In terms of the NPPF, the harm to listed buildings, being less than substantial, should be weighed against the public benefits of the proposal including where appropriate, securing their optimum viable use. As noted above, the proposal provides a number of community benefits in terms of public open space and the retention of public viewpoints both of which are considered to be public benefits.
- 7.80 It is considered therefore that the scheme would not adversely affect the character and amenities of the conservation area and listed buildings located within close proximity to the site.
- 7.81 Highway Safety and Access**
- 7.82 Policy COM7 of the adopted Local Plan 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.
- 7.83 Bottisham is described in the adopted Local Plan 2015 as a relatively large village situated approximately 7 miles east of Cambridge and 6 miles west of Newmarket. Local amenities include a public house, shop and post office, GP surgery, library, primary school and Bottisham Village College. There is a bus service located within 100m of the site and this service has a frequency of a bus every 2 hours. The Bottisham Greenway cycle route is also planned to connect Bottisham to Cambridge, however this is located approximately 7 miles away and is unlikely to be used by residents of the retirement village.
- 7.84 The proposal would introduce a new site access between Nos 143 and 163 High Street of 5.5m in width with a 2m footway on either side for both pedestrians and vehicles. The site access would run parallel with the western boundary as far as the line of properties in Beechwood Avenue whereupon it veers towards the centre of the site. A new pedestrian entrance is proposed to the north-west of the site from Rowan Close.
- 7.85 The scheme has been re-assessed by the Local Highways Authority Transport Assessment Team who have removed their holding objection to the scheme as additional information has been provided. The Transport Assessment now includes the latest 60 months' accident record data obtained from CCC together with an analysis of any trends or clusters. The data reveals that there were no accident

clusters and the recorded accidents were not involving a number of vulnerable road users.

- 7.86 In terms of the capacity assessment the applicants have provided details to the satisfaction of the Transport Assessment team. The High Street/A1303 junction would operate within capacity in both the am and pm peaks. The site access with the High Street junction also indicates that the junction would operate within capacity in both the am and pm peaks.
- 7.87 The Highways Authority have considered the vehicle trip rates using the TRICS database which they consider to be robust, with vehicle trip rates calculated using the (0.176 two-way vehicle trip rate in the AM peak and 0.184 two-way vehicle trip rate in the PM peak). On this basis it is agreed that the proposed development would generate up to 30 two-way car trips in the AM peak hour and 31 two-way car trips in the PM peak with approximately 90% of the vehicle trips coming in and out the site from the south east via A1303 West bound (80%) and 10% from the A1303 East bound.
- 7.88 The Highways Authority have also agreed with the following Traffic Flow scenario.
- 2019 baseline validated against queue length surveys:
 - Future year scenario no development (base + TEMPRO growth + committed development)
 - Future year scenario with development (base + TEMPRO growth + committed development + development)
- Capacity Assessment
The following junction has been modelled with Junctions 9:
- High Street / A1303 junction.
 - Site access / High Street junction.
- 7.89 The Transport Assessment team are therefore no longer objecting subject to a range of mitigation measures which can be submitted at the detailed design stage
- 7.90 From a highway's development management perspective, the Local Highway Authority requested additional information regarding a number of original concerns which have now been addressed in amendments to the scheme. Namely, the widening of the footway opposite the site towards the village centre to 2.0m which has now been incorporated in the access layout plan.
- 7.91 Initially, the applicant suggested there are footways on both sides of the High Street at the entrance into the site but there are no pedestrian crossing places at or near the access of the development, and in view of the low flow of traffic coupled with the frequency of dropped kerbs, enabled safe crossing of the road. However, the Highways Authority objected and it is now proposed to place a crossing point north to south adjacent to the site access with a return crossing point required in the vicinity of the bus stop and this could be secured by condition for submission of detailed engineering drawings.
- 7.92 The footway widening would also necessitate the relocation of the existing Vehicle Activated Sign (VAS)/ School warning sign (to the west of the new access on the

south side of High Street). Relocating the VAS to the back edge of the widened footway (circa 500mm) would be acceptable in traffic and safety terms, and forward visibility to the sign would not be compromised. Undergrowth on the adjacent highway verge would need to be cut back, and overhanging/ encroaching tree growth cleared to implement the footway link.

- 7.93 For the avoidance of doubt, the proposed vehicular access and pedestrian crossing points can achieve appropriate visibility/ vehicle sight stopping distance in all respects, with due regard to the nature of High Street.
- 7.94 With regard to the pedestrian/cycle access from Rowan Close initially the Local Highways Authority raised a concern that the extent of the public highway adjacent to Rowan Close terminated at the back edge of the adjacent footway. Furthermore, the application site edged red did not appear to abut the highway. Accordingly, it was unclear how any access to Rowan Close could be delivered. The applicants have now submitted revised drawings where the red line has been extended to meet the back edge of the footpath adjacent to Rowan Close and this would allow pedestrian and cycle access into the site. The applicants have also signed Certificate C of the application form which certifies that all reasonable steps have been taken to find out the names and addresses of the other owners of the land. An advert was also placed in the Cambridgeshire press on 18th November 2020 to announce the applicants' intention of developing this site.
- 7.95 A Technical Note dated 29th September 2020 has been submitted wherein the applicants referred to the use of S228 of the Highways Act 1980 to deliver the footpath/cycle path link to Rowan Close across third party land. To clarify, Section 228 allows for the making up of land with no known owner as highway maintainable at public expense. The Local Highways Authority in their response dated 9th December 2020 have indicated that a S278 Agreement would be required to be completed between the developer and the LHA to secure the implementation of any works within the public highway, supported by appropriate technical submission.
- 7.96 Both the Highway Development Management and Transportation Teams are no longer raising an objection to the proposal and on this basis the scheme would comply with Policy COM7 of the adopted Local Plan and is considered acceptable.
- 7.97 Parking**
- 7.98 Policy COM 8 of the adopted Local Plan requires development proposals to provide adequate levels of car and cycle parking.
- 7.99 According to the information submitted the proposed redevelopment will provide 176 car parking spaces to serve staff, visitors and more able residents, which is higher than the East Cambridgeshire District Council parking standards of up to 1 car space for each resident staff member, plus up to 1 space for every 2 non-resident staff members and up to 1 car space per 4 residents. Secure cycle parking will be provided in line with the ECDC Minimum Standard provision of one space per three staff members and one space per dwelling.

- 7.100 In addition, there would be a requirement for 2 parking spaces per dwelling for the affordable dwellings proposed, as well as visitor parking. If the application were to be approved, these details could be submitted at the detailed design stage.
- 7.101 The scheme would comply with Policy COM8 of the adopted Local Plan 2015 and is considered acceptable.

Ecology

- 7.102 Policy ENV7 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.
- 7.103 Para 175 of the NPPF is also relevant and highlights the importance of biodiversity and habitats when determining planning applications. In July 2019 the Government confirmed their intention to make biodiversity net gain mandatory in England for all development. The emerging 'standard' by which environmental gain is calculated is the DEFRA Biodiversity Metric 2.0 test.
- 7.104 As a consequence, the Council have adopted a Natural Environment Supplementary Planning Document in September 2020, and this provides guidance for new development to protect and encourage the biodiversity and ecology interests on site.
- 7.105 The application site comprises two fields, one used for grazing purposes and the other for arable crops. These are bounded by hedgerow and trees, including protected trees.
- 7.106 The proposal has been accompanied by an Ecology Impact Assessment [BSG Ecology – December 2019] and Biodiversity Net Gain Assessment [BSG Ecology – November 2020]. A Desk Study and an extended Phase 1 Habitat Survey were undertaken in April 2019. The findings of these surveys reported that there are no designated sites on or close to the site. The site supports the following Habitats of Principal Importance:
- Hedgerow
- Broad-leaved woodland
- 7.107 The sites supports a number of walnut trees in a parkland setting that have ecological 'veteran' features that makes this habitat of County interest.
- 7.108 The Devil's Dyke Special Area of Conservation lies 3.7km north east of the site and Bottisham Park County Wildlife Site lies 580m north with Heath Road/Street Way Green Lanes County Wildlife Site 1km south-east of the site.
- 7.109 Protected species interest is limited to no more than local importance. A summary of the evaluation of ecological features is provided below:

Feature	Scoped In / out based on desk study and field survey	Evaluation of Importance	Present on site
Sites			
Statutory (SAC, SSSI, LNR)	Scoped in	International & National	No
Non-statutory (CWS)	Scoped in	County	No
The development site	Scoped in	Local	Yes
Habitats			
Arable and with field margins	Scoped in	Site	Yes
Hedgerow	Scoped in	Local	Yes
Semi-improved grassland	Scoped in	Local	Yes
Parkland and scattered trees	Scoped in	County	Yes
Broad-leaved woodland	Scoped in	Site	Yes
Scattered scrub	Scoped in	Site	Yes

Feature	Scoped In / out based on desk study and field survey	Evaluation of Importance	Present on site
Protected species			
Bats	Scoped in	Local	Likely foraging and commuting
Badger	Scoped in	Local	No setts; likely foraging
Domouse	Scoped out	N/A	No
Birds	Scoped in	Local	Nesting in trees and hedgerows
Great crested newt	Scoped out	N/A	No
Reptiles	Scoped out	Site	No

7.110 In assessing the revised biodiversity net gain assessment it now includes a smaller habitat net gain than in the original assessment which has been reduced to 4.82% as opposed to the previous 10.35%. The Wildlife Trust considered the revised information and has commented that the development would no longer achieve a 10% biodiversity net gain for habitats which would be their recommendation as the minimum requirement. The applicants have commented that there is currently no policy requirement at local or national level for a minimum 10% gain, and that the Wildlife Trust would be willing to accept a figure below 10%, albeit above what they were currently proposing. The applicants would be looking at the BNG calculator again to see if there was any way to boost the score further, and the Wildlife Trust has offered to assist in this process. It is likely that any further net gains would come from detailed layout, planting specifications and management of communal areas within the retirement care village, and that further net gains in biodiversity could be delivered through detailed design at Reserved Matters stage to which the Wildlife Trust have agreed.

7.111 An Arboricultural Impact Assessment [Sylva Consultancy dated November 2019] was submitted and this notes that as the development area would be concentrated in the northern field adjacent to the eastern boundary, the indicative layout illustrates sufficient room exists on the site to retain the existing tree stock and for the final layout to be positioned beyond the root protection area of trees. The majority of trees within the site, worthy of protection, are now protected by a tree preservation order, and the indicative layout has been guided by the protective measures imposed by the Council. In terms of the new access this would result in

the removal of some hedgerow, however, the hedgerow is considered to be of low quality. The new internal road would be positioned beyond the constraints of the existing tree stock and therefore no trees would be removed. The extensive landscaping proposed as part of the scheme would result in additional tree planting.

7.112 It is considered the development would satisfy the policy requirements of the NPPF and would be capable of delivering a biodiversity net gain and further information would need to be supplied at a detailed design stage. In view of the mitigation proposed, the scheme is considered to comply with Policy ENV7 of the adopted Local Plan 2015 and the Natural Environment SPD.

7.113 Flood Risk and Drainage

7.114 Policy ENV8 of the adopted Local Plan 2015 states that all development should contribute to an overall flood risk reduction. The site is located wholly in Flood Zone 1 and has been assessed as being at very low risk of flooding. Surface water currently infiltrates into the ground without any formal drainage. Whereas County records indicate that the site has a high risk of groundwater flooding, there are no records of historic groundwater flooding on the site.

7.115 The application is accompanied by a Flood Risk Assessment [Campbell Reith November 2020] and a Drainage Strategy. In managing surface water discharge, the scheme would incorporate a combination of permeable pavement arrangements, infiltration basins, filter trenches and swales as well as extensive soft landscaping.

7.116 The Local Lead Flood Authority have raised no objection to the scheme subject to conditions. They are supportive of the use of infiltration basins/ trenches and permeable paving as they provide water quality treatment which is of particular importance when infiltrating into the ground. Groundwater levels were recorded at 3 metres below ground level, providing a sufficient unsaturated zone between the base of proposed infiltration features and the groundwater level.

7.117 In terms of foul water, Anglian Water have raised no objection to the scheme commenting that there is currently capacity to connect to the foul sewer.

7.118 It is considered that the scheme would comply with Policy ENV8 of the adopted Local Plan 2015 and the Flood and Water SPD.

7.119 Other Material Matters

7.120 In the revised scheme, the north-western corner of the site is proposed to accommodate 30% affordable housing which equates to approximately 51 dwellings. As such Policy GROWTH 3 of the adopted Local Plan 2015 and the Developer Contributions SPD requires residential development of 20 or more dwellings to provide or to contribute towards the cost of providing children's playing space and open space.

7.121 According to the adopted Local Plan 2015, the village has limited open space particularly in terms of what is available for public use. The open space adjacent to

the Village College is widely used for informal recreation and events, and makes an important contribution to community life.

- 7.122 The proposal would provide public open space in the form of parkland and an equipped area of play available to members of the public. The scheme would also provide leisure facilities, some of which would also be available to the wider community. In this respect the proposal would make an acceptable contribution to public open space and community facilities and would comply with Policy GROWTH 3 of the adopted Local Plan 2015 and the Developer Contributions SPD.
- 7.123 All applications for residential use are considered particularly sensitive to the presence of contamination. It is therefore considered reasonable that conditions are appended to the grant of planning permission requiring a contamination assessment to be agreed by the Local Planning Authority prior to commencement of development and with regards to unexpected contamination and remediation measures if required. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.
- 7.124 The applicants have produced a HOTs for the s106 Agreement with obligations to secure delivery and long-term management of public access to the proposed Natural Managed Open Space (NMOS) and LEAP and up to 30% on-site provision of Affordable Housing to be provided with an appropriate off-site contribution if required. There would be a requirement to provide satisfactory management of the site concerning waste awareness, storage and collection and with the addition of 51 affordable dwellings there would be a contribution towards education, libraries and learning. The scheme would also now be CIL liable.
- 7.125 The Council has recently adopted an SPD on Climate Change as it considers as an area experiencing growth “it comes with the responsibility to balance competing demands and mitigate the negative impacts of that growth as far as is reasonably possible”. The SPD predominantly focusses on providing additional guidance to the implementation of Policy ENV4, in that all new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy. Although the applicant has submitted a Feasibility Study for Renewable Energy & Low Carbon Technology and 10% Calculations Assessment, in view of the adoption of the Climate Change SPD in February 2021, it would be unreasonable to expect the applicant to provide a Sustainability Statement which incorporates the aims and objectives of the SPD at such short notice. Moreover, there is a caveat within Policy CC1 of the SPD that requires this can be imposed by condition. Should the application be considered acceptable by Committee, then further details will be requested by condition, in accordance with the SPD.
- 7.126 The Minerals and Waste Development Control Team have noted that the matter of waste management does not appear to have been addressed within the submitted application documentation, nor does there appear to be any specific consideration given to this policy. To ensure compliance it is therefore requested that, should the Planning Authority be minded to grant planning permission, it is subject to an appropriately worded condition.

8. CONCLUSION

- 8.1 It is acknowledged that the scheme would provide additional residential care accommodation within the District as identified in the Council's SHMAA (2013) and that further research into self-funding extra special care is being undertaken. However, whilst it is acknowledged there is a need for accommodation to provide for an ageing population, Bottisham already benefits from accommodation of a similar style to that proposed and where there are currently vacancies. Furthermore, the County Council have confirmed that they would not be identifying accommodation in the Bottisham area due to the existing facilities. In view of the fact that the joint local authorities of Cambridgeshire and Peterborough are undertaking research on a self-funder policy, the fact that they have not supported the scheme indicates that there is not an identified need for such provision that cannot be met within the built up areas, as required by policy HOU6 of the Local Plan 2015.
- 8.2 The applicants have indicated that other non-Green Belt sites have been considered and discounted, however, no evidence has been provided to support this view.
- 8.3 Policy GROWTH2 of the Local Plan states that the key focus for development within the District will be focussed on the market towns of Ely, Soham and Littleport, with more limited development taking place in villages which have defined development envelopes. Outside of development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development would be restricted in compliance with the exception criteria, provided there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied. Although the proposal does fall within a number of the exception criteria of Policy GROWTH 2, it would fail to protect the countryside and the setting of Bottisham, which are requirements of other specific policies within the Local Plan.
- 8.4 Notwithstanding the acceptability of the scheme with respect to highway and pedestrian safety; 30% contribution towards affordable housing; biodiversity net gain, flooding and drainage and heritage assets, as these issues are pre-requisites of sustainable development and do not cumulatively provide a case for special circumstances.
- 8.5 To conclude, the determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. The case for demonstrating very special circumstances to outweigh any harm to the Green Belt, and any other harm has not been made and as such the proposal would result in substantial harm to the openness of the Green Belt and would encroach upon open countryside. Irrespective of the considerable merits of the development, the inherent conflict with the development plan and national policy with regard to harm to the Green Belt and visual amenity of this part of Bottisham demonstrate that the very special circumstances necessary to justify the proposed development have not been demonstrated and the proposal would be at odds with Policies ENV1, ENV2 and ENV10 of the Local Plan and chapter 13 of the NPPF, as it does not meet any of the exceptions. This view has been supported at appeal on a similar Green-Belt site.

- 8.6 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.
- 8.7 The scheme does not accord with both national and local planning policy and is considered not to represent sustainable development.

9. COSTS

- 9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 9.2 Unreasonable behaviour can be either procedural 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.
- 9.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 9.4 In this case members' attention is particularly drawn to the following points:
- The site location with the Green Belt
Adverse impact on visual amenity

10.0 APPENDICES

Appendix 1 – Appeal Ref: APP/B1930/W/19/3235642

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00296/OUM	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



Appeal Decision

Inquiry Held on 27-28 November and 3-5 December 2019

Site visit made on 4 December 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9th January 2020

Appeal Ref: APP/B1930/W/19/3235642

Land to the rear of Burston Garden Centre, North Orbital Road, Chiswell Green, St Albans, AL2 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Castleoak Care Partnerships Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/18/1324, dated 14 May 2018, was refused by notice dated 20 March 2019.
 - The development proposed is the demolition of all existing horticultural structures and redevelopment of the site to provide a new retirement community comprising a 64 bedroom care home, 125 assisted living bungalows and apartments, a community clubhouse together with associated access and pedestrian/bridleway improvements, landscaping, amenity space and car parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised landscaping master plan (INQ9) was submitted during the course of the Inquiry. This depicts the removal of an access track to the eastern boundary of the site and instead further landscaping is proposed along the site edge with the public bridleway.
3. Parties were given an opportunity to comment on this and expressed no concern at this amendment. I consider that the change is minor, and I am satisfied that no party would be prejudiced by my taking the amended plan into account. Accordingly, the Inquiry went on to consider the revised landscaping proposals.
4. A planning obligation was submitted in draft form (INQ21), discussed at the Inquiry and subsequently finalised after the Inquiry. I have taken it into account.

Main Issues

5. The appellant accepts that the proposal would constitute inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework), and that openness would be harmed.

6. In light of the above, the main issues are:
- i) The extent to which the development would harm the openness of the Green Belt and/or conflict with its purposes;
 - ii) The effect of the proposal on the character and appearance of the area;
 - iii) The effect of the proposal on the significance of the grade II* listed Burston Manor and grade II listed outbuildings, as derived from their setting; and,
 - iv) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Background

Site Description

7. The appeal site forms the eastern portion of Burston Garden Centre (BGC) of around 3.8ha in size. It is currently unused and comprises open grassland, sheds, polytunnels, glasshouses and planting beds which were formerly used for rose propagation. The site is accessed from the North Orbital Road (A405) via an existing private access track within BGC.
8. Abutting the site to the north is Burston Manor House, a grade II* listed building originally dating from the 12th Century with grade II listed 17th Century outbuildings. A close boarded fence forms the perimeter boundary to the east, along a public bridleway. How Wood and How Wood Village lies beyond. To the south the site has a heras fence separating it from Birchwood. Birchwood Bungalow is located adjacent to the south eastern corner of the site. To the west is the remainder of the BGC site with a number of large glasshouses.
9. The site is located in the Green Belt and is designated as part of a Landscape Development Area and also as an area of archaeological significance, as set out in the development plan.

Appeal Proposals

10. Permission is sought to develop the site as a retirement village with 'extra care' housing for older and retired people together with a 64-bed care home. The housing would comprise 45 care bungalows and 80 1, 2 & 3 bed apartments. There would be a central village green and clubhouse with bar/café, restaurant, library and other facilities.
11. It was a matter of common ground that the proposed development falls wholly within a C2 use class. Although local objections were made in respect of affordability, the Council and appellant considered that no affordable housing contributions should be sought as there was no policy basis to require this for a C2 use.
12. Access would be via the existing track, which would be widened along its length through the removal of part of the existing glasshouses at BGC. This would create a tree-lined avenue into the site. The newly created 'Burston Lane' would form a main central access into the site itself, roughly following the line of a former tree lined field boundary at Burston Manor.

13. A number of secondary routes would also be created as well as pedestrian routes through the site, connecting with the existing bridleway alongside How Wood. The proposal would also include the creation of a new bridleway along the south of the site. The application also includes a proposal for improvements to the access junction with the A405 by way of a signalised junction and signalised pedestrian crossing points.
14. The assisted living apartments would be divided between 3 blocks which are 3-storeys in height with single storey entrance pavilion link buildings and canopied walkways. The clubhouse would face out across the village green area, while the assisted living blocks would be served by parking courtyards and courtyard gardens.
15. With the exception of a detached 'gatehouse' within the site, the bungalows would be semi detached and form blocks with parking courtyards to the front and private gardens and patios to the rear. The care home would be positioned to the north eastern 'nib' of the site and would be 2-storey with a central main entrance and rear wings around a central courtyard area.
16. The landscape strategy for the site would include planting of trees and hedges, both along the boundary edges and within the site. Communal gardens would serve the apartments, and the bungalows to the north of the site would have communal edible gardens and a fruit tree walkway between the groupings. The care home would incorporate private sensory and water gardens.
17. The general palette of materials would be red brick with tile hanging and soldier course detailing, pudding stone walling, and dark facing brick and weatherboarding. Roofs would use clay tiles and windows would be dark coated metal.

Policy Context

18. The development plan for the purposes of the appeal comprises the saved policies from the St Albans Local Plan 1994 (LP). The St Albans City & District Local Plan Publication Draft (emerging LP) was submitted for examination and this is due to begin in January 2020. This seeks to allocate broad locations for development, including for C2 units, and includes a review of the Green Belt as part of the identification of these. The appeal site is not allocated in the emerging LP.
19. The site also falls within the St Stephen Neighbourhood Plan area which was designated in 2014. It was explained by Mr Parry that a draft Neighbourhood Plan (emerging NP) has been developed (INQ7) following early public engagement. It is anticipated that this will be subject to public consultation in 2020. The BGC site as a whole is included in the emerging NP as an allocation for a retirement village and for the removal from the Green Belt, although both the appellant and Council expressed their concerns in terms of whether Green Belt boundaries could be altered by a NP.
20. Both the emerging LP and the emerging NP have yet to be formally examined and in accordance with paragraph 48 of the Framework, can only attract limited weight. I come back to the issue of the emerging plans later in my decision but it is notable is that neither the Council or the appellant seek to rely on these in making their cases and give these documents limited or no weight.

21. The Framework is also a material consideration. It was common ground between parties that St Albans can only currently demonstrate a 2.2 year deliverable supply of housing and that, in accordance with national policy, the C2 specialist housing would go towards meeting part of the overall housing need.

Reasons

Green Belt Openness and Purposes

Openness

22. LP Policy 1 seeks to restrict development in the Green Belt. It sets out a number of exemptions to this or allows development in very special circumstances. It does not, however, fully align with the Green Belt policies of the Framework as the exemptions are more restrictive than those set out in paragraph 145.
23. The Government attaches great importance to the Green Belt. The fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and their permeance. Openness has both a visual and spatial element.
24. It is common ground that the site should not be regarded as previously developed land and as such the proposals would constitute inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be accorded to that harm. Such development should not be approved except in very special circumstances whereby inappropriateness and any other harm is clearly outweighed by other considerations.
25. There was debate at the Inquiry in respect of the quality of the site. However, I consider that the existing structures including the glasshouses, polytunnels and other structures associated with the sites horticultural use should not be seen as harmful to the purposes or characteristics of the Green Belt. Put simply, they are structures which are common in rural areas and, crucially, are not seen as inappropriate in Green Belt policy terms.
26. The parties disagree as to the extent of the effect of openness, although the appellant accepted that there will be some impact upon this. In considering openness against the baseline outlined above, the proposed development would introduce a substantial amount of built form spread across the site at 1, 2 and 3 storeys in height. The scheme would thus far exceed the height, volume and site coverage of the existing structures. The development would therefore result in a substantial loss of openness in spatial terms.
27. In visual terms, the appellants landscape witness considered the effects to be very limited due to the visual containment that exists around the site as well as the mitigation and landscaping proposals through planting and public access within the site.
28. The Landscape and Visual Impact Assessment (INQ12) identifies that moderate adverse effects would be experienced from view points taken from the bridleway to the eastern edge of the site. Due to the location of the site behind Burston Manor and the BGC and its relative containment by How Wood and Birchwood, I agree that the new buildings would have limited zones of visibility

from outside of the site. Such visibility would be largely confined to short or medium range views from the bridleway. However, the loss of openness would be clearly perceived by users of the public right of way.

29. In addition, the scale of the built development and associated parking areas and reduction in openness would also be very apparent to the many residents, staff and visitors to the development. Moreover, in introducing a new public access through the site and along the perimeter of Birchwood through the development of a new public bridleway, I consider that the mitigation itself would increase the visual effects experienced from the loss of openness.
30. Taking all of the above together, I consider that the spatial and visual harm to openness would therefore constitute significant harm to the Green Belt in addition to inappropriateness.

Purposes

31. As defined by paragraph 134 of the Framework, the Green Belt serves 5 purposes (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and spatial character of historic towns; and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
32. Chiswell Green is located to the north west of the North Orbital Road, with How Wood Village to the south. The appeal site address references Chiswell Green, but the BGC site as a whole does have a degree of separation from this settlement as the site is below the North Orbital Road.
33. The appeal site would abut How Wood and would effectively enclose the woodland by development. How Wood itself is not of a significant depth nor is it so dense as to provide a definitive edge to How Wood Village in this location. As I saw on site, which was in winter when the trees are not in leaf, filtered views of the rear of properties along Walnut Close and Spruce Way were visible through the woods. The development would therefore be visible from these properties, although there would be larger amounts of landscaping included within the site and along the boundary.
34. There would not be direct coalescence as a result of the proposal between How Wood Village and Chiswell Green. However, it would form a perceptible adjunct to How Wood Village and would diminish the gap and erode the open nature of the Green Belt in this location between these villages. Accordingly, there would be a degree of sprawl and merger of these and harm to the perception of the settlements.
35. By virtue of its open nature the site contributes to the characteristic openness of the Green Belt. In my view, the proposed development could therefore do little else but to encroach on the countryside. As established above, the buildings and polytunnels which form part of the horticultural use of the site are not inappropriate in the Green Belt. These structures are also not comparable to that being proposed. There can be no doubt that the development would have an urbanising effect in this location that cannot be said to safeguard from encroachment.

36. While the appellant considers that the development would not harm any of the purposes of the Green Belt, I consider that there is a clear conflict with Green Belt purposes in terms of purposes (a) (b) and (c) above.
37. The appellant also held that there is a mismatch between the evidence of Mr Greaves who considered that 3 of the Green Belt purposes would be breached (a-c), whereas the Council in their Committee Report reference only a single issue in this regard (c). In combination effects with a separate development of a hotel at Copsewood are also referenced by the Council and Mr Greaves.
38. The Committee report did not go specifically into the purposes of the Green Belt to any great degree. The issue of sprawl and merger and the urban form is, however, referenced in the 1st reason for refusal. I note that the hotel scheme has now lapsed, but in any case, I have considered the scheme on its own merits and in the light of the evidence.

Conclusion – Openness and Purposes

39. The development would therefore result in a substantial loss of openness and would conflict with the purposes of the Green Belt. The development would not accord with the Framework nor LP Policy 1. I attach substantial weight to this conflict and the harm arising to the Green Belt and its purposes by virtue of the development's inappropriateness and the effect of openness.
40. That harm will need to be outweighed by other considerations, if very special circumstances are demonstrated and I will return to that question, in the context of the overall planning balance, later in my decision.

Character and Appearance

41. As stated above, the site contains a number of buildings and structures in connection with BGC, albeit it is currently derelict. The buildings are generally modest in their scale but are utilitarian in their appearance and are poor quality and dilapidated. The site also has an untidy and unkempt appearance.
42. The remainder of the BGC site has substantial coverage with glasshouses which have a large footprint extending across the site but are of a reasonable height and are of a lightweight design with their framing and glazing. The main garden centre buildings, barns and stores are of a large scale in terms of their massing and height. Other expanses of hardstanding and parking are also found at the site. The buildings within the appeal site have a visual association with the wider part of BGC, and are positioned adjacent to this, with the eastern part of the site being open grassland or formed of former planting beds. The fencing to the east and southern boundaries contains the site from the woodland areas beyond.
43. In the wider area, detached properties to the north of the appeal site are set in spacious grounds. In contrast the urban form of How Wood Village and Chiswell Green is more built up with rows of detached and semi-detached houses. This is discernible from the aerial photograph of the wider area (INQ10).
44. The appeal site is not accessible to the general public nor to visitors to BGC and, as expressed above, is visually contained. Care has been taken with the scheme in terms of the detailed design of the proposed buildings, taking their reference from the local vernacular and palette of materials. As explained by

the appellant landscape witness and scheme architect, the concept behind the scheme and its overall layout and design is to provide 'aging in place' with different types of C2 accommodation within an enabling environment. The overall site layout is of a formal nature, with clear, legible and logical areas and has been designed as such due to the nature of the C2 use. The landscaping proposals are also extensive and form a fundamental part of the overall design concept.

45. The formality of the layout would not be out of place with the general layout of the built form in the wider area. In some regard, the footprint of the linked apartment blocks and the care home buildings would not be out of place with the large footprints of the buildings at the BGC site. They would, however, be markedly different in their general scale, massing and form to the BGC buildings. There would also be marked differences between the scale and density of properties in How Wood Village and to properties to the north of the appeal site.
46. In combination with the bungalows and parking, the built elements of the proposed development would take up a large proportion of the site. This would give a distinctly urban form which would contrast with both the character and appearance of BGC and the general built form of the dwellings of the surrounding areas.
47. The close boarded fence along the eastern boundary of the site with the bridleway is a visually discordant feature which would be removed by the proposed development. As per the amended landscape masterplan this area and the removal of the access track would give way to additional landscape planting along its periphery.
48. However, as stated above, the development would be seen behind properties at Walnut Close and Spruce Way and would effectively enclose How Wood. In particular, the proposed care home would be built on land which is currently open and due to its scale, it would have a large and dominating effect, in spite of the additional peripheral landscaping here.
49. Overall, despite the visual containment at the site, and the positive aspects of the development relating to legibility, design and landscaping, the resultant effect would be of an urbanised site which would be out of step with its wider surroundings. This would therefore give rise to a moderately harmful impact on the character and appearance of the area in the vicinity of the site. This would be in conflict with LP Policies 69 and 70 which require high standards of design, having regard to setting and character, and massing and siting. These LP policy objectives are consistent with those of the Framework.

Designated Heritage Assets

50. LP Policy 86 reflects the statutory obligations¹ to have special regard to the desirability of preserving a listed building or its setting or any features of architectural or historic interest that it possesses. In a similar vein, the Framework gives great weight to the conservation of designated heritage assets, noting that the more important the asset, the greater the weight should be. This is irrespective of the level of harm. Any harm should also require clear and convincing justification.

¹ As set out in s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

51. It is common ground between parties that the development will cause less than substantial harm to the grade II* listed Burston Manor and the grade II listed outbuildings and that this harm should be given great weight. In this regard, for the purposes of my decision I am simply required to weigh that harm against other considerations, including any public benefits, similar to Green Belt policy.
52. The issue debated at the Inquiry is where the harm falls in the 'spectrum' of less than substantial harm, as Planning Practice Guidance² (PPG) makes clear that within each category of harm, the extent of the harm may vary and should be clearly articulated. The appellant assigns a minor level of less than substantial harm and the Council a moderate level.
53. Detailed analysis of the significance of Burston Manor and the outbuildings is provided with the Heritage Statement and the parties' proofs. Again, this was common ground between parties and I have no reason to disagree with their assessments. As such there is no need to rehearse this in detail here.
54. In terms of setting, Burston Manor and the outbuildings are set in private, landscaped gardens which provide screening and enclosure, both from when looking out from the grounds, and when looking towards the Manor itself from the appeal site and bridleway. Notably, there is also a moat within the gardens, likely to be associated with the manorial seat. There is also archaeological significance in light of the moat and records relating to a shrunken settlement.
55. Today, in spite of the boundary screening within the grounds, the Burston Manor grouping does have a relationship with its surroundings thus this forms its wider, or as described by parties, its 'secondary' setting. The position of both parties in respect of setting has, however, altered since the analysis of the original application; Mr Greaves does not agree that the appeal site makes an overall negative contribution to significance, whereas the Council's analysis (including that of their own Conservation Officer) did consider that the existing contribution of the site was negative. Similarly, the evidence presented by Mr Smith for the appellant in terms of the contribution of the appeal site to setting contrasted with the appellants own Heritage Statement which states that "*the remnant unmanaged grassland on the eastern reaches of the site represents a last vestige of the asset's historic pastoral landscape setting.*"
56. Originally Burston Manor would have stood in a relatively isolated location in the open landscape, as depicted on the 1766 Map. Birchwood and How Wood appear on the 1805 OS Map, although the wider landscape remained open. This remained the status quo until after the 1930's where significant development was carried out, particularly in the second half of the 20th Century with the development of How Wood Village and Chiswell Green. The BGC site was mainly developed during the 1970's and 1980's (INQ24).
57. There can be no doubt that the setting of the heritage assets has been greatly changed and urbanised during the 20th Century and that this has had an adverse effect on the Burston Manor grouping. The BGC site has distinctly urban elements including, for example, the large-scale retail and other buildings, lighting and car parking. The general intensity of the use at BGC also has an impact and gives rise to a number of comings and goings and

² 18a-018-20190723

operational effects such as noise from the access track running adjacent to the western boundary of Burston Manor. The close-boarded fencing along the eastern boundary adjacent to the bridleway is also an urban feature which detracts from the wider landscape setting and provides a barrier between the site, Burston Manor and How Wood.

58. However, the appeal site with its low level polytunnels, along with the planting beds and grasslands to the eastern and southern parts helps maintain a semblance of the open and agricultural character, albeit diminished. As historic early 19th Century woodland groups Birchwood and How Wood form a positive part of the historic evolution of the wider environs of Burston Manor. Today, the appeal site does allow for the appreciation of these woodlands from the grounds of Burston Manor and vice-versa. This helps to maintain a sense of the historic relationship here, particularly with How Wood due to the open grasslands to the north-eastern nib of the site. I saw that this relationship is more visible in the winter when the deciduous boundary trees within the grounds of Burston Manor are not in leaf.
59. In this regard, I consider that the appeal site has a more limited negative impact upon setting than the remainder of the BGC site. Furthermore, while it is unkempt and not in any way pristine, I consider that it does represent the last legible remnant of its historic landscape setting.
60. In considering whether additional change would further detract from, or enhance the significance of the assets, there would be a significant change and the Burston Manor grouping would effectively be contained by urban development. I agree with the Council that this would amount to the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost.
61. There would be significant landscaping and planting at the site, but as I have stated above, built elements of the proposed development would take up a large proportion of the site and thus would dominate in this regard. Effort has been made to restrict the building heights across the appeal site including locating the bungalows to the south of the boundary with Burston Manor. However, due to the amount of development at the site, there would be limited separation between the built form and the boundaries of Burston Manor.
62. The proposed care home in particular would be of a significant built scale and massing in the open north eastern nib of the site. The s106 agreement would secure offsite planting, including between the eastern boundary of Burston Manor and would have a significant screening effect of the care home, but this would do little to overcome the urbanisation. Instead it would further serve to divorce the assets from their wider surroundings and would add to the containment of the heritage assets.
63. Additional verified views were submitted from the upper floors of Burston Manor as part of Mr Judd's Proof of Evidence which are said to demonstrate the current level of screening which would be bolstered in the short and long term by landscaping. However, these views were taken when the trees were in leaf. While there are some evergreen trees providing screening, my site visit in the winter months revealed a much greater level of visibility from Burston Manor, from both within the grounds and as viewed from the upper floors. The severing effect I have identified from the proposed development would be more

perceptible and while the additional landscaping would aid this, the effects would still be experienced from the assets.

64. The development would involve the widening of the access road to the western boundary of Burston Manor and the removal of some bays of the BGC greenhouses to facilitate this. The barns and stores would also be removed and there would be a comprehensive lighting strategy across the site. These would help to address some of the negative effects that BGC and the appeal site have on the setting of the buildings. Nevertheless, in light of the nature and scale of the development proposed, these would not address my concerns in any meaningful way.
65. I am mindful that grade II* listed buildings represent the top 7% of England's most significant designated heritage assets. In combination with the grade II listed building and the moat and archaeological potential, the development would be firmly within the realms of 'less than substantial harm'. I am of the clear view that this would be to a moderate degree when applying the spectrum or scale put to me at the Inquiry, as opposed to the limited harm attested by the appellant. The lack of comment from Historic England does not alter my conclusions in respect of the harm I have found.
66. Overall the development would cause harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group. As a result, the development would conflict with LP Policy 86. In accordance with the Framework and the statutory obligations imposed, I give great weight to that harm. I shall weigh this against the public benefits later in my decision.

Other Considerations

67. The appellant identifies a range of other considerations that are said to be in favour of the proposed development. Similar to the debate at the Inquiry as to the precise level of harm ascribed by the parties, the level of weight to be assigned to the benefits is also disputed.

General and C2 housing need

68. Particular emphasis was placed on the need to deliver housing, including the specialist accommodation being proposed. The agreed position on housing supply, at 2.2 years, is well below the requisite five-year supply and the proposed development would contribute towards this housing need and would deliver a range of specialist housing options for older people. I give this substantial weight.
69. The parties were unable to agree the precise extent of need for older people's accommodation in the area with the appellant citing a much greater need than the Council identifies. However, at the Inquiry parties submitted a Statement of Common Ground setting out the different projections of need for extra care and care homes (INQ18). This formed the basis of the discussion. A considerable amount of evidence was presented on this topic and the figures supplied for extra care units and care home beds were vastly different and there were issues around the data time periods. Debate also ensued regarding pipeline provision, which the Council had calculated based on past trends and future Local Plan provision.
70. The proper forum for determining the precise position is as part of the development plan process and having considered the submissions made, it is

not necessary for me to reach a precise conclusion on the need and supply of this type of housing. This is because, even using the Council's more modest figures, there is an immediate unmet and growing need which would not be met by the emerging LP in the short term (as evidenced by the trajectories set out in INQ23). Windfall provision is also not likely to address this. I also note the empirical evidence presented by the Parish Council, local residents associations and elected Members in terms of the need.

71. A lack of affordable care provision was raised by 'Affordable Care for St Albans' and while I don't doubt that there is also such a need, there is no policy requirement for affordable housing C2 provision.
72. In light of the current shortfall in C2 accommodation, there can be no doubt that the development could make a very significant contribution towards meeting such local needs and based on the evidence supplied, this would be likely to be achieved within the next 5 years. Related to this point, the occupation of such housing by local people would be likely to free up existing housing stock, thereby assisting the wider market. I thus consider the benefits relating to general and C2 housing need to be very significant which weighs substantially in favour of the development.

Alternative sites

73. The appellant also held that there are no alternative sites which could accommodate the appeal proposals, although this was challenged by the Council on two points relating to availability and disaggregation.
74. In terms of the latter, Mr Appleton gave evidence on the evolving nature of housing for older people and the care village concept, with its associated demonstrable benefits. A revised report (the Carterwood Report) was submitted as part of Mr Belcher's evidence which revised the methodology to assess sites between 1ha-4ha (the appeal site being around 3.8ha in size) in order to address the Council's earlier concerns that the original study only looked at sites 2.4ha and above.
75. The question here is one of how much weight can be apportioned to a lack of alternative sites and whether need can be met in a disaggregated way. It was clear that smaller extra care units and standalone nursing homes can be provided on smaller sites. That said, the revised study goes down to 1ha, or as the appellant cited 25% of the size necessary to deliver the appeal site. In that regard, I consider the Carterwood Report to be robust for the purposes of assessing alternatives, including disaggregation.
76. I do, however, share the Council's concerns regarding the application of the criteria of sites which were assessed on the basis of their availability, suitability and achievability. None of the sites assessed were identified as being available as they were not being actively marketed. Mr Belcher explained that in assessing availability research had taken place in terms of property agents, websites and physical inspections, but in my view, this is a fundamental flaw of what was otherwise a robust exercise.
77. Only three sites were found to be suitable and achievable and as such it would not have been an onerous task to approach the landowners to ascertain any intent. I also accept the Council's point that the appeal site was also not actively marketed and thus would have failed according to this methodology.

78. Of these sites I acknowledge that they were all smaller than the appeal site. Two of the sites were owned by the County Council and while they were smaller than the appeal site, these were located adjacent to each other. It would have been a simple exercise to approach the County Council regarding these sites, and also consider whether they could be combined. I note that the other site was envisaged for retail use in the emerging LP. Again, an approach could have been made to the owner and evidence gathered in terms of whether it would be suitable for an alternative use by the planning authority.
79. While the potential for alternative sites is limited to just the three identified, the lack of robustness in respect of availability therefore moderates the weight I can attach to the purported lack of alternative sites.

Health and wellbeing

80. As briefly referenced above, the health and wellbeing benefits were set out in detail by the appellants team, and in particular by Mr Appleton and Mr Phillips, at various points during the Inquiry. These were well evidenced by a plethora of background documents put before me and as quoted by Mr Phillips proof of evidence. I also note that the PPG recognises such benefits, stating that “*offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.*”³
81. In particular the care village concept, with the provision of its own dedicated services and facilities, the care package, including offers for different care needs, would benefit older people residing at the site. Such benefits therefore attract substantial weight into the balance.

Employment

82. The parties differed in their views as to the weight to be attached to employment benefits arising from the creation of around 90 full time equivalent jobs plus temporary construction jobs, the reinvestment of the profit of the sale of the appeal site into the garden centre, and the business units at the site. This adds further weight to the case for the appeal.
83. However, I note that that there are high levels of employment and low unemployment, as backed up by official labour market statistics for the district (July 2018-July 2019). Therefore I consider that such benefits are moderated in part by this.

Highway and accessibility matters

84. I am satisfied that traffic congestion and associated concerns relating to air pollution would not be realised. I also note that the appellant proposed to install electric vehicle charging points as part of their scheme.
85. Access improvements from the North Orbital Road would also be secured by condition which would benefit users of the site and BGC. While I note that these were subject to a separate approval sought by BGC, this has now lapsed whereas the appeal scheme would ensure these take place. This adds some weight in favour of the proposal.

³ Reference ID: 63-001-20190626

86. It was said that the appeal site is in a suitable location to access services and facilities and I do not disagree. It is in close walking distance to local shops at How Wood Village and bus stops and a railway station would also be accessible. However, as a general principle, appropriate access to services and facilities, are a policy expectation for any significant development and as such are a neutral matter in my considerations.

Effect on Birchwood Bungalow

87. I am also mindful that there is an objection from a separate care facility at Birchwood Bungalow. This relates to the construction effects from noise and disturbance of the built development upon the residents who have Autism and are in full-time residential care. Accordingly, I have also had due regard to the Public Sector Equality Duty (PSED) established by section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
88. Having discussed this matter at the Inquiry, construction is anticipated to take around 2 years, and it would have a phased approach. There would be some impacts experienced by the occupants at Birchwood Bungalow but I consider that these would be time-limited and further minimised by the phased approach. I am also satisfied that specific provision could be made to reduce any such effects through the submission of a Construction Management Plan, and this could be secured by condition. I therefore find no discrimination in this regard.
89. While I have found no conflict with the PSED, this itself would not weigh in favour of the scheme in terms of my assessment of very special circumstances, rather it would be a neutral factor.

Planning Balance and Very Special Circumstances

90. For the reasons explained above, I have found that the development would harm the Green Belt due to inappropriateness, loss of openness and conflict with the Green Belt purposes. This would be contrary to LP Policy 1. The Framework requires substantial weight to be given to any harm to the Green Belt.
91. The development would also cause harm to the character and appearance of the area, in conflict with LP Policy 69 and 70. There would also be harm to the setting of the designated heritage assets, which includes the grade II* listed Burston Manor itself. Employing the terminology of the Framework, that harm amounts to 'less than substantial' but to a moderate degree. This harm, like the harm to the Green Belt, should be given great or substantial weight.
92. On the other side of the planning balance, it is clear that there is a very significant local need for elderly persons' accommodation. The development would help meet a significant proportion of this need and would address this in the short term. St Albans is an area where there is a significant shortfall in overall housing land supply and the development would contribute to this. The development would also help to free up existing market housing. As a care village, the development would cater for a wide range of individual needs in terms of physical ability, dependency and personal care, and would give rise to

- health and welfare benefits. These considerations all weigh substantially in favour of the development.
93. However, in light of my findings above, only moderate weight can be given to a lack of suitable sequentially preferable alternative sites to accommodate the proposal.
94. The development would produce some economic and social benefits in terms of temporary construction jobs and longer-term employment opportunities as well as improved accessibility arising from the works on the North Orbital Road. These matters add further weight to the case for the appeal.
95. I am conscious of the significant local support for the scheme, not just in respect of the need, as addressed above, but in more general terms. This is also reflected by the proposed allocation of the BGC site for C2 development within the emerging NP. However, the weight that can be attached to this is limited at this stage and there are question marks around whether a NP can alter the boundaries of the Green Belt.
96. The determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. However, very special circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Consequently, for the appeal to succeed, the overall balance would have to favour the appellants case, not just marginally, but decisively.
97. Overall, I consider the benefits from the housing and health and wellbeing to be substantial and there are other factors which add to this weight. But even so, they do not clearly outweigh the combined weight of the harm to the Green belt, the harm to designated heritage assets and the harm to character and appearance. Nor would the harm to the heritage assets be outweighed by the public benefits, irrespective of the Green Belt issues.
98. The Council expressed their concerns regarding the 'double-counting' of purported benefits insofar as they considered that specialist C2 provision, release of market housing, and health benefits are a subset of the general housing requirement. By way of response, the appellants drew my attention to two appeal decisions which accord weight to these matters on an individual basis⁴. However, taken together or separately, I consider that they do not outweigh the harm identified.
99. Consequently, despite the considerable merits of the development, the inherent conflict with the development plan and national policy with regard to harm to the Green Belt, designated heritage assets and character and appearance, lead me to conclude that the very special circumstances necessary to justify the proposed development have not been demonstrated.

Conclusion

100. For the reasons given above, and having considered all other matters raised, the appeal is therefore dismissed.

C Searson
INSPECTOR

⁴ APP/H2265/W/18/3202040 & APP/A0665/W/18/3203413

DOCUMENTS SUBMITTED DURING THE INQUIRY

- INQ1 Letter dated 22 November 2019 from Chiswell Green Residents Association
- INQ2 Typed script as read out by Linda Crocker of the Burston Wood Residents Association
- INQ3 Typed script as read out by Dee Youngs of the Park Street Residents Association
- INQ4 Appellant's Opening Submissions
- INQ5 Council's Opening Submissions
- INQ6 Representations on behalf of Affordable Care for St Albans (ACSA) as read out by Simon Kelly of Richard Buxton Solicitors
- INQ7 St Stephen Neighbourhood Plan 2019-2036 Re-Submission Document Draft October 2019
- INQ8 Revised CGI Drawings and key – reference AA6903 03-SL-3D-A—307, AA6903 00-SL-3D-A—011, AA6903 00-SL-3D-A—305 Rev A, AA6903 00-SL-3D-A—106 Rev A, AA6903 00-SL-3D-A—306 Rev A. (Supersede Core Documents CD2.25-2.28)
- INQ9 Revised Landscape Masterplan Reference 0653-00-SL-PL-L-G7-010 Rev G.
- INQ10 Google Earth satellite image of Burston Garden Centre wider area.
- INQ11 Burtson Garden Retirement Village Design and Access Statement July 2018
- INQ12 Burtson Garden Retirement Village Landscape and Visual Impact Assessment Rev B October 2018
- INQ13 Burtson Garden Retirement Village Design and Access Addendum – Landscape October 2018
- INQ14 Revised Schedule of Core Documents 2 December 2019
- INQ15 Updated Schedule of Plans and Documents Associated with the Proposals 2 December 2019
- INQ16 Updated SOCG – Setting out the different projections of Need on a comparable basis 2 December 2019
- INQ17 Further SOCG Alternative Site Assessment 2 December 2019
- INQ18 Updated SOCG – Setting out the different projections of Need on a comparable basis 2 December 2019 ** This supersedes INQ16**
- INQ19 More Choice, Greater Voice: a toolkit for producing a strategy for accommodation with care for older people February 2008
- INQ20 Housing in later life: planning for specialist housing for older people December 2012
- INQ21 Copy of draft s106 agreement
- INQ22 St Albans City and District Local Plan 2020-2036 Publication Draft 2018 Exert of Policy S4 and S5.
- INQ23 St Albans City and District Housing Delivery Test Action Plan September 2019
- INQ24 Annotated aerial photograph showing dates of development of Burston Garden Centre Buildings
- INQ25 Site Visit annotated walking route map
- INQ26 Copy of full size application plans
- INQ27 Email from Mr Kelly dated 29 November 2019 representatives of ASCA
- INQ28 Updated draft list of planning conditions
- INQ29 Council's Closing Submissions
- INQ30 Appellant's Closing Submissions



Appeal Decision

Inquiry held on 25 to 28 January and 1, 2 and 4 February 2022

Site visit made on 7 February 2022

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2022

Appeal Ref: APP/V0510/W/21/3282241 163-187 High Street, Bottisham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Axis Land Partnerships Limited on behalf of Bottisham Farming Limited against the decision of East Cambridgeshire District Council.
 - The application Ref 20/00296/OUM, dated 17 February 2020, was refused by decision notice dated 5 March 2021.
 - The development proposed is *the development of a retirement care village in use class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and use class C3 affordable dwellings (comprising up to 30% on-site provision), public open space, play provision, landscaping, car parking, access and associated development.*
-

DECISION

1. The appeal is dismissed.

PRELIMINARY MATTERS

2. The proposal includes a retirement care village, in use class C2. A retirement care village is a form of extra care housing. The proposed flats would be self-contained, privately purchased units. In addition, an extensive range of communal facilities would be provided, such as a café, and well-being, fitness, and leisure facilities. On-site care, up to and including 24/7 care, would be provided, but on a sliding scale and on a separate contract to the accommodation and communal facilities. As defined by Planning Practice Guidance¹ (the PPG), this element of the proposal would be 'extra care housing' where residents are able to live independently, as distinct from 'care homes', which are aimed solely at elderly people that require high levels of care for daily living. The PPG also confirms that extra care housing is a form of older peoples housing.
3. A s106 Planning Obligation, dated 24 February 2022 (the s106), has been provided. This secures the extra care units to be use class C2, but provides no further controls beyond requiring that at least one person in each unit requires extra care (defined as personal care required due to old age, disablement or past or present mental disorder) and is 65+ years old. However, limiting the use of the proposed use class C2 floorspace to extra care, as opposed to care home, purposes could be achieved by condition. In addition, the description of

¹ Paragraph: 010 Reference ID: 63-010-20190626

development includes the words 'retirement care village' and the additional facilities. The appeal site is also in a countryside setting and of a size which would provide large amounts of landscaping. There is therefore sufficient control over the type of proposed development to allow me to determine the appeal on the basis that the proposal is not only for extra care housing but would also be for a particular sub-set of this product called a 'retirement care village'.

4. Following the closing of the inquiry, a relevant appeal decision was issued² relating to a site on land to the north east of Broad Piece in Soham. I accepted this decision and provided all parties with the opportunity to comment.
5. The effect of the proposal on local healthcare provision was not a reason for refusal of the application and is not contested by the Council. However, it is a concern raised by a local GP Surgery, the Bottisham Medical Practice (the BMP), who had Rule 6 status at the inquiry.

MAIN ISSUES

6. It is common ground that the scheme proposed would be inappropriate development in the Green Belt through the construction of new buildings, amongst other works, and because none of the Green Belt exceptions set out in Paragraph 149 of the National Planning Policy Framework (the Framework) apply. I agree. Taking this into account, the main issues are:
 - the effect of the proposed development on the character and appearance of the area, in particular the character and setting of Bottisham village and the character and landscape of the surrounding countryside;
 - the effect of the proposal on healthcare; and,
 - whether any harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the 'very special circumstances' required to justify the proposal.

REASONS

7. The Development Plan includes the East Cambridgeshire Local Plan, April 2015 (the LP). There is debate around the weight to be applied to any conflict with Policy GROWTH 2, which I deal with as appropriate below.

Character and Appearance

The Site and Proposal

8. The appeal site is split into two distinct fields by a hedgerow, creating a northern field and a southern field. The appeal site as a whole is surrounded on three sides by existing built form, with residential properties to the south and west, and an existing care home development to the west. To the north and further afield to the east and west is open countryside.
9. The application is made in outline, with all matters reserved apart from access. Parameters plans have been submitted and could be conditioned to control development heights and the broad locations for development. This would be

² Ref APP/V0510/W/21/3282449, dated 11 February 2022

the retirement care village on the 'L' shaped part of the northern field in buildings up to a maximum height of 12 metres (m), and the affordable housing on the square piece of land by Rowan Close, at buildings up to a maximum height of 8.5m. Indicatively, the area of land for the retirement care village element of the proposals comprises approximately 3.4 hectares (ha) and a further 0.7ha for private amenity space and landscaping. Indicatively, 0.7ha has been set aside for the affordable housing, the amount, scale, design, and layout of which is not yet known.

10. Access would be from High Street (vehicular and pedestrian) and from Rowan Close (pedestrian and cycle). The alignment of the access road is applied for in full and would be along the western boundary of the site, near to the existing footpath.
11. Landscaping in general would be a reserved matter or condition(s), but details have been provided confirming that public open space and enhanced landscaping, including the retention of existing trees (some of which are the subject of a Tree Preservation Order³), is proposed to the southern field. In addition, hedgerows to the northern and eastern boundaries of the appeal site, and to the hedgerow separating the northern and southern fields, would be retained and enhanced, including groups of woodland trees just set back from the northern boundary. The s106 also secures the provision and contributions towards maintenance of the landscaped areas of the site.

Landscape Effects

12. The appeal site falls within two landscape character areas, as set out in the Cambridgeshire Landscape Guidelines, 1991. These are the Planned Peat Fen/Fenlands area, which covers most of the northern field, and also the Chalklands area, mainly to the southern field. The key characteristics include rolling countryside, fairly large fields, and a number of woodlands and tree belts which break up long distance views. Policy ENV 1 of the LP also explicitly seeks to protect, conserve and enhance the settlement edge, to protect individual trees, hedgerows and field patterns, the unspoilt nature and tranquillity of the area including light pollution, and key views into and out of settlements. It is common ground between the parties, and I agree, that the site does not constitute a valued landscape, as defined at Paragraph 174 of the Framework.
13. The northern field is a fairly flat, nondescript agricultural field. It is of limited intrinsic value beyond simply being a field and has a low landscape value. The southern field is of semi-parkland character, with managed grassland and sporadic, mature trees. It has a direct relationship with the historic core of Bottisham along the northern side of High Street, including the rear garden and claiveoyee of the grade II Listed Bottisham House. This has a moderate landscape value.
14. The views northwards are foreshortened by a fairly extensive tree belt. The views to the east are more extensive to low lying hills in the middle distance. The views are pleasant but are not scenic. There is limited visual connectivity between the two fields, which are different in character and split by the hedgerow which, although fairly low, is a clear delineation between the two parcels of land. On my site visit I observed that the southern field gains its

³ Ref TPO/E/15/19, dated 3 January 2020

character from its intrinsic semi-parkland character and relationship to the properties along High Street. I did not find a meaningful relationship with the northern field nor wider views of the countryside. Likewise, the northern field feels more visually connected to the further agricultural fields to the north and east, than to the southern field.

15. It is common ground between the parties that the most appropriate measure for the effect of the proposal is at 15 years, once the landscaping scheme matures. An intermittent tree belt and strengthened hedgerow is proposed along the long northern boundary. This would be along the line of an existing hedgerow and in the context of substantial existing tree belts in the area, including one close by to the north. This would be in-keeping with the character of the area. The proposed built form would also all be within one existing field and would not alter existing hedgerow or field patterns. However, even at the 15 year point, there would remain an obvious and clear built form on the former agricultural northern field, with buildings up to 12m tall, and fairly extensive in floorplan, still likely to be clearly visible on the site.
16. Overall, although there would be a fairly high degree of change, this would be inevitable with any development of reasonable scale on an agricultural field. The northern field is also of low existing landscape value. The harm to the landscape from this element of the proposal would therefore be low.
17. The southern field would be enhanced through improved landscaping, new trees and improved hedgerow planting. There would be some negative effect to its setting from the proposed development to the northern field, but this would only be at a low level as set out above, and would be seen in the context of existing built form to three sides of the field. The important relationship to the historic core of Bottisham along High Street would not be materially affected. However, the existing views out to the countryside to the east, which are fairly extensive, and the, albeit foreshortened, views to the north, would be significantly reduced by the proposed built development, even allowing for the proposed landscaping, thereby harming the connection with the surrounding countryside.
18. Overall, the improvements to the field itself would be set against the low to moderate harm from the changes to the setting. I assess the overall harm to landscape to the southern field to be low.

Visual Effects

19. There would be two key groups of receptors affected by the proposal – residents in surrounding properties, and users of nearby footpaths and bridleways.
20. The rear windows and gardens of several properties along High Street overlook the appeal site. The proposal would affect this, but at distance in the northern field. The southern field would be enhanced by the proposed landscaping. There would, nevertheless, be a minor negative effect on the wider setting from the proposed built form where there is currently an agricultural field and the partial blocking of views out to the wider countryside. The overall effect on these residents would be minor negative.
21. The properties along Maple Close and Cedar Walk are closer to the proposed built form and look out in a more easterly direction, where the widest

countryside views currently exist. The proposed access road would also be in proximity to these properties. However, the access road would be the other side of the existing footpath and a proposed new landscaping belt, and the built form would be partially mitigated by the proposed landscaping. The overall effect on these residents would be moderate negative, primarily due to the access road.

22. The residents at Rowan Close overlook the western side of the site and would be fairly close to the proposed affordable housing. However, there are existing properties backing onto the southern boundary of that part of the appeal site and the proposal would be seen in that context. There would be a moderate negative harm to those residents. The residents at Ancient Meadows are fairly distant from the appeal site to the west, and any views of the proposal would be oblique and would be in the context of the existing homes along Beechwood Avenue. There would be a minor negative effect to those residents.
23. Footpath 25/10 runs along the western boundary of the site, alongside the proposed access road. It would be fairly significantly affected due to the proximity of the proposed road and the built development, and curtailment of views out to the wider countryside. However, beyond the proposed access road the southern field would be enhanced through the proposed landscaping. In this context, the level of harm would be moderate negative. It's also important to note that the footpath itself has limited value, only providing access to the residential properties and not to the wider countryside.
24. Footpath 25/2 runs alongside the Ancient Meadows properties and then further northwards to an elevated bridleway. A hedgerow runs across the path. South of this, the path offers relatively unobstructed views of the proposed development, albeit at distance. North of the hedgerow, even allowing for the slight elevation of the bridleway, intervening trees and hedgerows significantly reduce any visual effect. From all parts of the route, the proposal would be seen in the context of the existing backdrop of Bottisham village and its built form. The overall effect on views from this footpath would be minor negative.

Overall

25. The visual harm from the proposal would be low in the main, although with some moderate effects to the closest local residents and footpath 25/10. The landscape effects would also at worst be 'low negative', particularly at 15 years after the proposed landscaping matures. Consequently, there would be low to moderate harm to the character and appearance of the area, and low harm to landscape character. The proposal therefore fails to comply with Policies ENV 1 and ENV 2 of the LP, both of which require the character and appearance of the area to be protected.
26. Policy GROWTH 2 of the LP strictly controls development outside defined settlement boundaries. However, exceptions are set out, where proposals may be acceptable subject to complying with other policies. The exceptions include 'residential care homes' (Policy HOU 6). The policy, as it relates to the appeal proposal, is therefore intrinsically linked to Policy HOU 6, and if the proposal accords with that policy, then it also accords with Policy GROWTH 2.
27. Policy HOU 6 of the LP comes in two parts. The first part applies to the type of extra care housing proposed with the appeal, because at supporting paragraph 4.7.3 it explicitly references both retirement villages and extra care housing.

This also links Policy GROWTH 2 to the proposal, because although that policy only refers to 'care homes' it also directly references Policy HOU 6, which is where the detail on what this means is set out. However, the second part of the policy, despite being discussed at the inquiry, explicitly references care homes and is not relevant to the proposal. With regard to the relevant, first part, of the policy, it states, amongst other things, that proposals should have no adverse impact on the character of the locality. I have found harm to the character and appearance of the area and therefore the retirement care village element of the proposal conflicts with this policy, and therefore also Policy GROWTH 2.

28. A further exception set out in Policy GROWTH 2 where proposals may be acceptable outside settlement boundaries is for affordable housing, with direct reference to Policy HOU 4. This policy sets out a number of criteria for affordable housing to be acceptable in such locations. The criteria relevant to character and appearance is that no *significant* harm be caused (emphasis mine). I have only identified low to moderate harm to character and appearance, or the wider landscape. The affordable housing element of the proposal therefore complies with Policy HOU 4, as it relates to character and appearance, and therefore, by extension, also to Policy GROWTH 2.

Healthcare

Effect on the BMP

29. The tenure of the proposed accommodation and whether or not it is self-contained would not directly affect the level of care needs of the future occupants. However, the proposed retirement care village would provide significant communal facilities. Although on-site care would be provided this would be in a separate financial package to the service charge for the communal facilities and general upkeep. Whilst there would be no explicit restriction on the type of person moving in, or on the proportion that would require very high care needs, eg 'continuing care' patients in particular, the nature of the product would likely limit this proportion. There would be little incentive for a person with very high care needs to move to a development whose main selling point was communal facilities that they would not benefit from but would need to pay towards.
30. I acknowledge, however, that this may not always be the case, possibly due to personal preference, one of a couple requiring the very high care needs but not both, or other factors. In addition, evidence was provided that, the longer that people stay in the facility, the greater their care requirements, although the increase is relatively low, moving from nine hours per week on entry to 15 hours by the seventh year⁴.
31. Taking all of the above into account, the appellant's evidence that the likely split of future occupants would be a third of residents having low level needs, a third having medium level needs and a third having high level needs, seems reasonable. This is distinctly different to a care home. This is important because such a profile of future occupants would have a lower requirement for GP care provision than has been assumed by the BMP in their evidence, which assumed a worst case scenario of a care home profile for all future residents.

⁴ Putting the 'care' in Housing-with-Care Integrated Retirement Communities: improving care quality and tackling the workforce crisis, by Associated Retirement Community Operators, undated

32. The BMP have assumed that all of the future occupants would be new additions to their practice. However, a proportion of future occupants are likely to move from the local area, including some from within the catchment of the BMP and would therefore likely include some existing patients. It is also possible that some of the future occupants would want to keep their existing GP, although I acknowledge that in practical terms, both for the patient and GP, this is likely to be a small number.
33. Nevertheless, even allowing for the factors described above, the proposal would undoubtedly give rise to an increase in patients, all of them elderly, to be accommodated by GP services in the area, likely mostly at the BMP. This would clearly give rise to an increase in workload for local GP services, and specifically for the BMP.

Effect on Wider Healthcare

34. Uncontested evidence was provided by the appellant that the proposed development would decrease pressure on the National Health Service (NHS). This is because studies have shown that older people that live in extra care developments of the type proposed have better health outcomes than those that continue to live at home, including improvements in depression, perceived health, and memory, which leads to a decreased need for nurse and GP appointments, and an estimated saving to the NHS of £1,991 per person over five years⁵.
35. Specifically with regard to Covid-19, evidence has been provided that, on average, residents of retirement care villages had better outcomes than similarly aged people still living at home. Fewer residents died compared to the general population of the same age, at 0.97% compared to 1.09%, and the retirement care village section of the extra care offer had an even better outcome at 0.51%⁶. The BMP provided evidence of worse outcomes from an academic paper, but those were in relation to care home residents and not therefore directly comparable to the appeal proposal.

Overall

36. The Cambridgeshire and Peterborough Clinical Commissioning Group (the CCG), in their letter dated 2 February 2022, have requested mitigation of £132,585 for the capital costs for the BMP associated with the increased healthcare demand for the surgery. The CCG also request an unspecified sum be allocated in mitigation of the clinical needs to be created by the proposal. The BMP have undertaken their own calculations, and concluded that the minimum requirement to respond to the increased demand to their services would be 1.25 GPs full time, equating to c.£100,000 per annum excluding administrative and non-GP costs. However, this is based on the partially erroneous assumptions the BMP have made as set out above, and the likely demand on GP time would be lower.
37. Moreover, this is moot because, for the reasons set out above, although the proposal would increase pressure on local GP services and this pressure would fall largely, or almost entirely, on the BMP, it would decrease pressure on

⁵ Integrated Care Homes and Support: Measurable Outcomes for Healthy Ageing The ExtraCare Charitable Trust Research Report March 2019 – paragraphs 2.3 to 2.8

⁶ Retirement Village and Extra Care Housing in England: Operators' Experience during the COVID-19 Pandemic RE-COV Study Full Report April 2021 – Section 3.2, page 8

health services as a whole. In this context, a contribution towards healthcare services would not be necessary to make the development acceptable, or fairly and reasonably related in scale and kind to the development.

38. The responsibility for allocating the increased pressure on the BMP falls on the CCG, which is the group with the responsibility of allocating, planning and buying local NHS services. If, as seems likely, the BMP would require additional resources as a result of the proposal, this is for the CCG to respond to, and to allocate funding as appropriate. This falls outside of the planning system in a situation such as this, where the overall effect on healthcare would be to reduce demand for resources.
39. The s106 includes a clause with the provision of a healthcare contribution. However, it is drafted such that I can modify or remove this clause. Therefore, for the avoidance of doubt, I confirm that the healthcare contribution as set out in the s106 is not necessary.

Green Belt

In this section, I have adopted the following ascending scale in terms of weighting – limited, moderate, significant, substantial.

40. The critical test is as set out at Paragraph 148 of the Framework – is the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, *clearly* outweighed by other considerations (emphasis mine)?

Harm

Green Belt Essential Characteristics

41. Harm to the Green Belt can be caused by harming the essential characteristics, as set out in Paragraph 137 of the Framework, of openness and permanence.
42. The PPG finds that the duration and remediability of a proposal influences its effect on the permanence of the Green Belt⁷. It is common ground, and I agree, that the proposal, once constructed, would remain indefinitely. Any effect on the Green Belt would be permanent and would therefore harm this essential characteristic.
43. The PPG finds that openness should be considered both spatially and visually. It can also include non-permanent factors, such as cars. The detailed design and layout of the proposed buildings and any ancillary structure is not yet known. However, the parameters plans confirm that a series of buildings of up to 12m tall are likely. Due to the scale of the proposal, these would be of significant volume. There would also be a fair amount of activity associated with the proposal, from residents, workers and visitors, and also fairly extensive car parking. The proposal would therefore have a significant negative effect on the spatial openness of the appeal site.
44. There would also be an effect on visual openness. This would be mitigated to a degree by landscaping but there would still be a noticeable effect on the visual openness of the site and its immediate surroundings. There would also be an effect on views across the site from footpaths, roads, and nearby properties. The proposal would be viewed in the context of a wider parcel of Green Belt

⁷ Paragraph: 001 Reference ID: 64-001-20190722

land, including the countryside to the north and east up to woodland areas and tree boundaries. The Council agree with this allocation. Within this parcel, the perception of the proposal would be more limited, particularly when set against the backdrop of the existing Bottisham village. However, there would still be a moderate negative effect on the visual openness of the Green Belt due to the scale of the proposed development, which would be clearly visible even against the backdrop of the village, and extensive in scale.

Green Belt Purposes

45. Paragraph 138 of the Framework sets out the five purposes of Green Belt land. I assess the proposal against each purpose below:
- (a) 'to check the unrestricted sprawl of large built-up areas'
46. Bottisham is not a large built-up area and this purpose is not relevant.
- (b) 'to prevent neighbouring towns merging into one another'
47. The two relevant built-up areas are Bottisham and Swaffham Bulbeck, both of which are villages. The purpose relates to towns. Paragraphs 142 and 144 of the Framework make it clear that, where the document wishes to refer to villages as opposed to towns, it does so. This purpose is not therefore relevant to the proposal.
- (c) 'to assist in safeguarding the countryside from encroachment'
48. The proposal would encroach into the countryside because it is for extensive built form, up to 12m in height, and would be built on a currently agricultural field. This purpose would therefore be harmed, albeit the level of harm is tempered, to a degree, because the proposal sits in a wider 'parcel' of Green Belt land, as described above.
- (d) 'to preserve the setting and special character of historic towns'
49. Bottisham is not a town and this purpose is not relevant to Bottisham. The Greater Cambridge Green Belt Assessment, by LUC, dated August 2021, states that the setting of Cambridge includes the rural setting of Green Belt villages. However, Bottisham is difficult to appreciate in the context of Cambridge due to its distance to the east of the city. There might be some very slight diminution of this setting from the proposal from far reaching views of Cambridge from the east with the proposal in the foreground, but the effect, and the harm to this purpose, would be negligible. This purpose would not, therefore, be materially harmed.
- (e) 'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'
50. No specific evidence has been provided that the proposal would be in place of a more urban site, as opposed to other non-Green Belt greenfield land. A key aspect of the proposal is that it would be for a retirement care village in a countryside setting with a significant landscape setting, which would not be achievable on an urban site. I see no reason why it would prevent the development of urban sites for different styles of extra care product, particularly given that the level of extra care need significantly exceeds the proposed provision (see below), and there would be residual need even after construction of the proposal. This purpose would not, therefore, be harmed.

51. Overall, the proposal would harm Green Belt permanence and openness, and would encroach into the countryside. It therefore fails to comply with Policy ENV 10 of the LP, which requires that development not harm the openness of the Green Belt. As directed by Paragraph 148 of the Framework, I give substantial weight to the proposal for inappropriate development, and to the harm to the Green Belt's essential characteristics and purposes that I have identified.

Other Harm

52. The Bottisham Conservation Area largely lies to the south of the appeal site but the proposed access road would also partially lie within the conservation area. The significance of the conservation area is derived from the intrinsic character of the various historic buildings located throughout Bottisham, and this particular part of the conservation area by the relationship of the historic buildings with the southern field behind, and the parkland setting it provides. There would be harm to the conservation area and its setting, primarily through the proposed access road, and also, albeit only slightly, from the proposed development in the northern field. However, this would be mitigated by the proposed landscaping, particularly as it matures, and by the proposed enhancements to the immediate setting of the southern field through the new tree planting and landscaping.

53. The Grade II Listed Bottisham House lies directly to the south of the southern field. The house has clear views of, and a direct relationship to, the southern field and its parkland character, both from upper storey windows and a clairvoyee in the garden. There are also long distance views of the northern field and the wider countryside, particularly to the east, from the building and the clairvoyee. These factors contribute to the significance of the setting of the building. The proposal would harm the setting of the northern field and wider countryside through the proposed change of character from agricultural to built development. However, as with the conservation area, this harm would be mitigated by the proposed landscaping and enhancements to the southern field.

54. The level of harm to the setting of the Grade II Listed Bottisham House and Bottisham Conservation Area would therefore be low, and I attribute to this limited weight.

55. There would be low to moderate harm to the character and appearance of the appeal site, and the wider area and landscape, as set out above. The proposal therefore conflicts with Policies ENV 1 and ENV 2 of the LP. The retirement care village element of the proposal also conflicts with Policies HOU 6 and GROWTH 2 of the LP. However, it is almost impossible to imagine a scheme of reasonable scale proposed on a greenfield site that would not cause some harm to the character of the locality. This is recognised by the Framework, which has a more balanced approach than the LP policies. Paragraph 174(b) only seeks to recognise the intrinsic character and beauty of the countryside, and does not prevent all development of the countryside. Paragraph 79 states that villages should be allowed to grow and thrive. I therefore place limited weight on this conflict, and to the associated conflicts with Policies ENV 1, ENV 2 and HOU 6 of the LP.

56. In addition, it is common ground, and I agree, that Policy GROWTH 1 of the LP is out-of-date because it is based on housing requirement figures that are more

than five years old. Policy GROWTH 2 is the key policy for directing the location of development in the District. It focusses the majority of development on Ely, Littleport and Soham, and within defined settlement boundaries. The policy strictly controls development outside these boundaries. This locational strategy for development is based on the out-of-date figures from Policy GROWTH 1. A Single Issue Review of the Local Plan is underway but is at a relatively early stage. It is common ground, and I agree, that until this review is further progressed, it can carry limited weight. We are therefore in a position where we cannot know with any certainty what the future location strategy for development will be and, specifically, whether or not its strict controls over development outside of settlement boundaries will persist. Therefore, I place limited weight on the conflict with Policy GROWTH 2 identified above.

Other Considerations

Affordable Housing

57. The s106 commits the appellant to achieving the maximum possible number of affordable housing units on-site, within the land allocated for affordable housing on the parameters plan, and subject to detailed design considerations at the reserved matters stage. If this is a shortfall on the policy compliant level of affordable housing, at 30% of the extra care units, then a payment in lieu is secured through the s106.
58. It is agreed between the parties that there is a significant need for affordable housing. The latest Strategic Housing Market Assessment⁸ sets this at 3,517 net dwellings in the period 2011 to 2031, or 176 dwellings per annum (dpa). The latest Annual Monitoring Report (AMR)⁹ shows the total gross affordable housing completions from 2011 to 2021 has been 479 dwellings, or 48dpa, equating to a delivery shortfall of 1,281 homes even before accounting for any affordable dwellings that may have been lost in that period.
59. The level of proposed affordable housing would be policy compliant. The Council can demonstrate a five year supply of overall housing land. However, this does not reduce the importance I place on the Council's persistent and meaningful under-delivery of affordable homes over the past 10 years. I therefore place substantial positive weight on the proposed affordable housing.
60. During cross-examination, the Council indicated that the weight to be applied to the proposed delivery of affordable housing should be tempered by the harm they claim the affordable housing buildings would cause to character and appearance. However, I do not agree with this approach. The weight to be applied to the proposed provision of affordable housing stands on its own, as does any harm or otherwise to character and appearance that must be counted separately.

Older Persons Housing

61. The total area of proposed floorspace is currently unknown. However, the development would likely provide in the order of 170 bedrooms within the proposed use class C2 flats, based on the indicative proposed floorspace figures, and this is a reasonable assumption of the likely scale of the proposed

⁸ The Strategic Housing Market Assessment 2013 for the Cambridge Housing Sub-Region

⁹ East Cambridgeshire Authority's Annual Monitoring Report (AMR) 2020-2021, Table 6

- development. The precise number of persons this would accommodate is difficult to quantify, but would almost certainly be in excess of 200.
62. Policy GROWTH 1 of the LP is out-of-date and in any event says nothing about the specific need for older persons accommodation, extra care or otherwise. However, Paragraphs 60 and 62 of the Framework confirm that addressing the needs of groups with specific housing requirements, including for the elderly, is a key part of national planning policy. The PPG states that the national need for older people's housing is critical¹⁰. The number of people aged 65+ in the District is predicted to rise by 58% from 2020 to 2040, an increase of 10,404 persons from a base of 18,041¹¹, strongly indicating a likely increase in need for older persons accommodation in the future.
63. When looking at the age demographic the development is likely to cater for, those aged 75+, evidence has been provided by the appellant that the Council's need for accommodation in 2025, the likely year of opening of the development, would be 418 private extra care dwellings. This is based on a ratio of 45 people aged 75+ per 1,000 population. This was contested at the appeal, and lower ratios have been used by, for example, GL Hearn in their report, at 27 per 1,000. However, this report, which also assumes a lower proportion of owner occupiers within this group at 56% compared to the appellant's 69%, still concludes that there is a shortfall of extra care dwellings in the District at 118 in 2020 and predicted to rise to 271 by 2040.
64. Evidence was provided by the BMP, and supported by the Council, of vacancies in existing care homes in Bottisham, thereby indicating that sufficient provision of older persons accommodation is already being provided in the village. However, the examples given are of care homes, and one a social care home not even solely aimed at the elderly, and do not represent the same type of extra care accommodation as is being proposed.
65. Providing choice and a range of options of accommodation to older persons is important due to their differing needs, desires, and requirements for care support. Extra care accommodation in general, and retirement care villages specifically, are key components of the range of older persons accommodation. The supporting text to Policy HOU 1 of the LP, at paragraph 4.2.3, explicitly acknowledges the need for extra care housing. At present, there are no retirement care villages in the District, only a small extra care facility in Ely called Rosalyn Court.
66. Overall, I am therefore satisfied that there is a need for not only older persons accommodation, but specifically extra care accommodation, in the District. I am also satisfied that the need is acute and growing.
67. There is limited data available of how this need is being met. The AMR does not provide a breakdown, although it does acknowledge that there were no use class C2 completions in 2020-2021. Appendix C¹² of the Council's Five Year Land Supply Report looks at the projected delivery of older persons accommodation over the next five years, and finds the likely provision of 97 beds in care homes, and no provision of extra care accommodation.

¹⁰ Paragraph: 001 Reference ID: 63-001-20190626

¹¹ Housing Needs of Specific Groups Cambridgeshire and West Suffolk October 2021, page 273

¹² East Cambridgeshire District Council Five Year Land Supply Report 1 April 2021 to 31 March 2026 Published 13 October 2021

68. There are no applications, no site allocations, and no predicted completions in the next five years for extra care accommodation. There are site allocations for general housing in use class C3. However, the uncontested evidence given in this appeal is that unless sites are specifically allocated for use class C2 development, the developers of such schemes are unable to compete with the providers of general housing. These allocations cannot therefore be relied upon to provide extra care accommodation.
69. When an older person requires accommodation with an element of care support it is likely that the need is imminent and should be met quickly. I therefore place greater reliance on the predicted provision of extra care accommodation in three years, the likely date of opening of the proposed development, rather than the five year period used in the Council's report. To a certain extent, this does not matter, though, because the predicted supply of extra care accommodation falls significantly below the identified need, even using the most conservative assumptions.
70. The market catchment of the proposed accommodation includes areas outside of the Council's land. This was explored at the appeal, however, given the acute and unmet need identified in the District as set out above, there is no need to dwell on this other than to acknowledge that even in the catchment area there is only one further extra care scheme, and even that is more urban and has fewer communal facilities than proposed in the appeal scheme.
71. The health and wellbeing benefits of the type of extra care accommodation proposed, both to the residents themselves and to the wider healthcare economy, also contribute to the weight to be given to the proposed older persons accommodation.
72. The Council have advanced the argument that the overall weight for older persons accommodation needs to take account of the likelihood of the need being able to be met on preferable sites. However, as with the similar situation for affordable housing, I do not agree with this approach. The weight to be applied to the proposed provision of older persons accommodation stands on its own, and the consideration of alternative sites must be considered separately.
73. Overall, due to the acute, growing, and unmet need for older persons accommodation generally, and extra care accommodation specifically, as well as the additional benefits of retirement care village on improved health for occupiers, I place substantial positive weight on the proposed use class C2 accommodation.

Housing Stock

74. Over 80% of older people in the District live in under-occupied homes, which is a high proportion, although it does approximately tally with the average for England as a whole¹³. It is not possible at this stage to precisely predict the number of future occupiers of the proposed use class C2 accommodation that would come from current occupiers of these homes, but there would undoubtedly be some, and potentially a high proportion of the future occupiers would be drawn from this pool. The release of some of these family-sized

¹³ Housing Needs of Specific Groups Cambridgeshire and West Suffolk October 2021, by GL Hearn - Figure 28

homes would benefit other demographics in the housing market, and the overall fluidity of the market. I place significant weight on this benefit.

Housing Supply

75. Both the proposed affordable housing and the extra care accommodation would contribute to the District's housing land supply. This is an important factor, irrespective of the fact that the five year housing land supply is currently being met, because the continued adequate provision of housing is one of, if not the most, important factor in national and local planning policy. I place significant positive weight on this.

Employment

76. There would be short term employment generation during construction. There would also be long term employment generation during operation. This would be fairly significant due to the on-site communal facilities and on-site care provision. As directed by Paragraph 81 of the Framework, I attribute significant positive weight to the proposed employment generation that would support economic growth and productivity.

Public Open Space

77. The Council are concerned that there would be a loss to the perceived recreation and leisure value of the southern field through the harm to the setting of the field they say is caused by the proposed built works. However, there would be no building on the field, the works would have minimal effect on its recreation and leisure value, and in fact the proposal would open up access to the currently private southern field. Extensive landscaping, planting, and new footpaths are also proposed in this field, and could be secured by condition. The Framework, at Paragraph 120(a), encourages improved public access to the countryside, which the proposal would provide. The proposed extensive area of new public open space weighs positively in the planning balance. I attribute this moderate positive weight.

Access to Services

78. It is common ground, and I agree, that the proposal is in an accessible location. Bottisham provides a range of services and facilities, and there would be good access to the town because of its proximity and because there are footpaths directly from the site to the town centre. I place moderate positive weight on this factor.

Biodiversity

79. The planning application the subject of this appeal was accompanied by a Biodiversity Net Gain Assessment. This concluded that the proposed landscaping works would result in a biodiversity net gain of 10% for habitats and 47% for hedgerows. These significant gains are possible because of the low biodiversity of the existing site, which is just two open fields and limited hedgerow and other planting. These gains could be secured by condition(s) and I place moderate positive weight on this benefit.

Alternative Sites

80. The appellant submitted an Alternative Sites Assessment (ASA) to demonstrate that the appeal site is the only suitable, available and deliverable site for the

proposal. The Council raised concerns that the ASA took place after the decision on the application and was not produced in consultation with it. However, there was no concern raised in relation to the professionalism of the production of the ASA. I am primarily concerned with the quality of the ASA and not its provenance, and have assessed the document on its own terms.

81. Various filters were used in the ASA to sift through potential sites. The size filter adopts a range of 3.5ha to 7.5ha. The upper limit of the size filter is based on the size of the part of the appeal site to be developed plus an allowance to go larger. The lower limit is based on known operator requirements for a retirement care village, which are at least 3.5 ha¹⁴. I have no reason to dispute that the site area range of 3.5ha to 7.5ha is a reasonable one with regard to the size of site required for a retirement care village in a countryside setting. However, in the search for an alternative site, the upper limit of the filter is unfairly restrictive. For example, the size filter would actually filter out the appeal site itself, which is 8.4ha, if the open space land to the southern field is included. I am aware that this land is not a necessity for a retirement care village, but the size filter removes the possibility for this more granular assessment, which if applied to other sites might have found them to be suitable.
82. The smaller parts of bigger sites are also filtered out because it is considered that the development of larger, mixed-use sites would take longer than the three year timescale achievable for the appeal site. This timescale filter is also applied to all sites, irrespective of size. I agree that there is an acute and growing need for older persons accommodation. I also agree that in an ideal world, any suitable, available and deliverable alternative site should be able to be developed within three years. However, this is an unreasonably restrictive filter because it does not allow for the complex reality of the planning and development process. A timescale filter that is only just long enough to accommodate the timescales for the proposed development, if all goes well, is insufficiently flexible. For example, if taken from the inception of interest in the scheme, the appeal proposal itself could not now be delivered within three years.
83. I agree with the conclusions of the ASA that the four sites that have met the filtering criteria and are assessed in detail are not suitable alternative sites. However, as a result of the filters used, it is only these four sites that have undergone detailed assessment, from an initial pool of 285 potential sites. It is imperative that non-Green Belt sites are given a proper hearing for it to be robustly demonstrated that it would not be feasible to develop sites elsewhere. This has not been achieved by the ASA due to these two filters being too tightly drawn, to the extent that if applied to the appeal site itself, it would not even pass the filtering process. Without more detailed assessment of a greater range of potential sites, it is not possible for me to robustly conclude that there are no suitable, available and deliverable alternative sites.

¹⁴ Rangeford Villages letter, dated 8 November 2021

84. Independently of the appellant's ASA, the Council have also set out five preferred sites to the appeal site. I set out below my conclusions on each of these sites, none of which I find to be suitable, available and deliverable alternatives:

- Clare House – the site has an existing use class C3 consent, and a reserved matters application was lodged during the course of the inquiry which keeps this consent alive. Further arguments were advanced in relation to the shape of the site and the possibility for it to be split, but I do not need to consider these issues because the site is fundamentally not available;
- Station Gateway (Ref ELY7 in the LP) – this is an over 12ha site allocated for mixed use development, none of which is explicitly for use class C2 accommodation. It is the appellant's uncontested evidence that use class C2 cannot compete in an open market against use class C3 due to the extra communal facilities and other costs. I agree. In addition, the site is in multiple ownerships, significant transport infrastructure is required as part of development, and the site is unlikely to come forward for at least five years;
- Land off Brook Street, Soham (Ref SOH1 in the LP) – this is a 20ha site with a mixed-use allocation in the LP, including for c.400 dwellings. However, as with the Station Gateway site, there is no express support for use class C2;
- Eastern Gateway (Ref SOH3 in the LP) – a 33ha site, with a mixed-use allocation in the LP including for c.600 dwellings. However, as with the above two sites, there is no express support for use class C2; and,
- Land north of Blackberry Lane (Ref SOH6 in the LP) – a 4.4ha site, with a mixed-use allocation in the LP including for up to 100 dwellings. However, as with the above three sites, there is no express support for use class C2.

85. I acknowledge that no suitable alternative sites have been identified by either party. However, only 3% of land in the District is Green Belt, and only three villages, including Bottisham, are sited in this Green Belt land. This makes it even more important that a robust ASA is provided to justify the use of Green Belt land. I place the onus for this on the appellant. It is their proposal to justify. Due to the two filters being too tightly drawn and the resultant deficient detailed assessment of individual sites, the submitted ASA is not robust. It has therefore not been adequately demonstrated that the proposal needs to be located in the Green Belt or that it would not be feasible to find a suitable site elsewhere.

86. My attention has been drawn to a recent appeal decision¹⁵, made on 29 December 2021, in relation to a site within the adjacent South Cambridgeshire District Council. The decision related to a similar proposal for a retirement care village on Green Belt land and the appeal was allowed. I am not aware of the full facts of the case, but a key difference between the two appeals is that a much greater proportion of South Cambridgeshire's land is within Green Belt compared to East Cambridgeshire. There is therefore an even

¹⁵ Appeal Ref APP/W0530/W/21/3280395

greater requirement for a robust ASA to be completed for appeal proposals on Green Belt land in East Cambridgeshire.

Overall

87. There would be substantial benefits from the proposed extra care accommodation and affordable housing. There would also be significant benefits from general housing provision, the release of family-sized housing stock, and employment generation. There would be moderate benefits from biodiversity net gain, the proposed public open space, and that the site is accessible to the services and facilities of Bottisham. These are important considerations and, in combination, amount to a substantial positive weighting.
88. However, there would be harm to the permanence, openness and some of the purposes of Green Belt land. These all attract substantial negative weight. Because of the limited weight to attach to Policy GROWTH 2 of the LP, which is the source of the heavy restriction on greenfield development outside of settlement boundaries, as well as the substantial weighting attributed to Green Belt harm in the Framework, I place significant negative weight on the other consideration that a robust ASA has not been provided. I cannot, therefore, be sure that there are not suitable, available and deliverable non-Green Belt alternatives, including greenfield development outside of settlement boundaries, which would be sequentially preferable to the appeal site. There is also harm, albeit with only a low to moderate weighting, to the character and appearance of the area, the wider landscape, and the heritage assets of Bottisham Conservation Area and the Bottisham House Grade II Listed building.
89. Overall, the other considerations, although including substantial benefits, also include a deficient ASA, and they do not clearly outweigh the harm to the Green Belt that I have identified, and the other harms. Consequently, the 'very special circumstances' necessary to justify the proposed development do not exist.

OTHER MATTERS

Heritage

90. As set out above, subject to the mitigation and proposed landscaping, the overall level of harm to both heritage assets would be low. It falls within the description of 'less than substantial', as defined by the Framework, and at the lower end of this scale. The public benefits of the proposal are extensive, as set out in detail above, and easily outweigh the harm. The proposal therefore complies with Paragraph 202 of the Framework.

Interested Persons

91. Several interested persons, including Councillors Ogborn, Cane and Wilson, spoke in opposition to the appeal proposal at the inquiry. A number of written objections have also been received, including from Councillors Daunton, and Bottisham Parish Council.
92. The objections raised various concerns in addition to those addressed above and below: some affordable housing is about to be built and no more is needed in the village; the affordable housing would not be integrated into the wider development; the increase in vehicle movements would harm highway safety and traffic congestion, and would also increase pollution and car parking

problems – these are all particular issues because of proximity of the primary school; the south field has archaeological value; Bottisham is not a suitable location in terms of accessibility because it has no train station and only infrequent busses, and the appeal site itself has poor access to Bottisham because it has narrow broken footpaths not suitable for the elderly; and, opposition to the principle of the loss of the agricultural land.

93. I have taken all of these factors into consideration. Most are not in dispute between the main parties. Most were addressed in the officer's report, with the Council concluding that there would be no material harm in these regards. The Highways Authority have confirmed that they have no objection to the proposal. No substantiated evidence has been submitted that leads me to any different view. The detail of any mitigation could be controlled by condition(s) where necessary.

CONCLUSION

94. For the reasons set out above, the appeal is dismissed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jack Smyth of Counsel. He called:

Anne James MRTPI	Planning Consultant, ECDC
Robert Browne CMLI	Associate, Wynee-Williams Associates
Russell Wisnall	Legal Assistant, ECDC

FOR THE APPELLANT:

Zack Simons of Counsel. He called:

Nick Sedgwick CIHCM	Director, Sedgwick Consultancy Limited/Associate, Ben Cave Associates
Jessamy Venables MRICS	Director, Carterwood
Robert Belcher FRICS (retired)	Consultant, Carterwood
Charles Crawford CMLI	Director, LDA Design
Jon Sneddon MRTPI	Managing Director, Tetlow King Planning
Jay Mehta	Partner, Howes Percival LLP

FOR THE BOTTISHAM MEDICAL PRACTICE:

Dr Tamara Keith MBBS DFRH DRCOG MRCPCH MRCPGP	GP Partner, Bottisham Medical Practice
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INTERESTED PERSONS:

Councillor Jon Ogborn	Chair of Bottisham Parish Council
Councillor Charlotte Cane	Bottisham Ward Councillor
Councillor John Wilson	Vice-chair Bottisham Parish Council
Robert Stocking	Resident
Anthony Jolley	Resident
John Harris	Resident
Stuart Clarke MRTPI	Principal Planner, Cambridgeshire County Council

ANNEX B: INQUIRY AND POST INQUIRY DOCUMENTS

- 1 Appellant's Opening & Appearances, dated 25 January 2022
- 2 Opening Statement of the Council, dated 25 January 2022
- 3 Opening Statement, by Dr Keith
- 4 Mr Jolley Representations, dated 26 January 2022
- 5 Round Table Session on Character and Appearance and Green Belt Openness, updated Agenda, dated 28 January 2022
- 6 Draft s106 Planning Obligation Ref JZM/230260.0003
- 7 White Crown Stables - Application Form, dated 10 October 2018
- 8 White Crown Stables - Decision Notice Ref 18/01435/OUM, dated 5 February 2020
- 9 Cambridgeshire County Council Email re Archaeology Condition, dated 13 April 2020, including attached site plan
- 10 Burston Nurseries Ltd - Appeal Decision Ref APP/B1930/W/21/3279463, dated 31 January 2022
- 11 Suggested Route for Inspector's Site Visit, dated 1 February 2022
- 12 Climate Change SPD, dated 8 February 2021
- 13 Natural Environment SPD, dated 24 September 2020
- 14 Statement to the Inspector, dated 2 Feb 2022, by Councillor John Wilson
- 15 Email from Kasia Gdaniec, Cambridgeshire County Council Senior Archaeologist, dated 13 April 2020
- 16 Cambridgeshire and Peterborough Clinical Commissioning Group Letter, dated 2 February 2022
- 17 Letter from Phil Thacker, Water and Planning Manager at Cambridgeshire Fire Authority, dated 3 February 2022
- 18 Email from Anne James, Planning Consultant at ECDC, dated 4 February 2022
- 19 Land North of the Railway Viaduct, Ledbury - Appeal Decision Ref APP/W1850/W/20/3244410, dated 15 March 2021
- 20 Land North of the Railway Viaduct, Ledbury - S106 Planning Obligation, dated 2 October 2020
- 21 Land at Wykin Lane, Nuneaton - Appeal Decision Ref APP/K2420/W/20/3262295, dated 21 May 2021
- 22 Land at Wykin Lane, Nuneaton - s106 Planning Obligation, dated 27 April 2021
- 23 Email from Ricky Ching, Senior Associate Town Planner at the NHS, dated 4 February 2022
- 24 Closing Submissions of the Council, by Jack Smyth, dated 4 February 2022
- 25 Closing Statement, by Dr Keith, dated 4 February 2022
- 26 Appellant's Closing Submissions, by Zack Simons, dated 4 February 2022
- 27 East Cambridgeshire District Council Note, submitted 4 March 2022
- 28 Letter from Iain Warner, Tetlow King Planning, dated 3 March 2022
- 29 Land to the North East of Broad Piece, Soham - Appeal Decision Ref APP/V0510/W/21/3282449, dated 11 February 2022

DRAFT STATEMENT OF COMMON GROUND

Between:

AXIS LAND PARTNERSHIPS LTD ON BEHALF OF BOTTISHAM FARMING LTD and EAST
CAMBRIDGESHIRE DISTRICT COUNCIL

For:

LAND TO THE REAR OF 163-187 HIGH STREET, BOTTISHAM

LPA Reference: 23/00205/OUM

PINS Reference:

June 2023

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1. The Planning Application and Agreed Description of Development.
2. Relevant planning history
3. List of the most important development plan policies for determining the application
4. Other relevant planning policy/guidance/material considerations
5. Areas of agreement
6. Matters not agreed
7. List of Possible Conditions

Appendices:

Appendix A - Draft heads of terms of any Section 106 obligations, attached as an Appendix to the statement

Appendix B - Core Documents list

1. The Planning Application and Agreed Description of Development

1.1 Both parties agree that the description of development is as follows:

“The development of land for a retirement care village in Use Class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (compromising up to 30% on-site provision), public open space, play provision, landscaping, car parking, access and associated development”

The Planning Application

1.2 The Appellant, along with the landowners of the appeal site, submitted an application for planning permission to the Council on 16 February 2022.

1.3 The planning application was registered as valid on 16 February 2022 by the Local Planning Authority and given the reference 23/00205/OUM.

1.4 The Council did not determine the planning application.

Relevant Plans

1.5 The following drawings reference comprise the relevant plans upon which the development proposals should be determined:

- 8621_001 – Location Plan
- 8621_003 - Development Area, Heights and Land Use Parameter Plan
- 8621_004 - Access & Road Alignment
- ref. 8621_005 - Public Open Space & Landscape Plan
- 2209048/01 – Visibility Splay (site access drawing)
- 2209048-04 - Proposed Access Arrangement Pedestrian Improvements

2. Relevant planning history

2.1 Both Parties agree that the relevant planning history of the site is as follows

Reference	Description	Decision
19/00661/SCREEN	SCREENING OPINION -A retirement village of up to 250 residential units C2 use, comprising a mix of independent living retirement homes, extensive new open space, landscaping, access, and communal amenity facilities.	Environmental Statement not required
20/00296/OUM	Outline Planning Application for The Development of Land For A Retirement Care Village In Use Class C2 Comprising Housing With Care, Communal Health, Wellbeing And Leisure Facilities; And C3 Affordable Dwellings (Comprising Up To 30% On-Site Provision) Public Open Space, Play Provision, Landscaping, Car Parking, Access, And Associated Development	Refused
APP/V0510/W/ 21/3282241	Appeal - Outline Planning Application for The Development Of Land For A Retirement Care Village In Use Class C2 Comprising Housing With Care, Communal Health, Wellbeing And Leisure Facilities; And C3 Affordable Dwellings (Comprising Up To 30% On-Site Provision) Public Open Space, Play Provision, Landscaping, Car Parking, Access, And Associated Development	Dismissed

Relevant off Site History within Bottisham

16/01166/OUM and 21/00984/RMM

Reference	Description	Decision
16/01166/OUM	Outline planning application for residential development of up to 50 dwellings, new vehicular and pedestrian access from Ox Meadow, public open space including	Approve

	allotments and associated infrastructure	
21/00984/RMM	Approval of Reserved Matters application for access, landscaping, appearance, scale and layout of 16/01166/OUM for Outline planning application for residential development of up to 50 dwellings, new vehicular and pedestrian access from Ox Meadow, public open space including allotments and associated infrastructure	Approve

DRAFT

3. List of the most important development plan policies for determining the application

3.1 The statutory adopted development plan, insofar as it relates to this appeal, comprises the following:

- The East Cambridgeshire Local Plan, which was adopted by the Council in April 2015

3.2 Both parties agree that the following are the relevant policies of the development plan for the purposes of the determination of the appeal

- GROWTH 2 Locational strategy
- GROWTH 3 Infrastructure requirements
- GROWTH 5 Presumption in favour of sustainable development
- HOU 1 Housing Mix
- HOU 2 Housing density
- HOU 3 Affordable Housing Provision
- HOU4 Affordable Housing exception sites
- HOU 6 Residential Care Homes
- 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 10 Green Belt
- ENV 11 Conservation Areas
- ENV12 Listed Buildings
- ENV14 Sites of Archaeological Interest
- COM 4 New Community Facilities
- COM 7 Transport impact
- COM 8 Parking provision

4. Other relevant planning policy/guidance/material considerations

- 4.1 Both parties agree that the following items of planning policy and planning guidance are relevant to the determination of the appeal

No.	Description
1	National Planning Policy Framework (NPPF)
2	National Planning Practice Guidance (NPPG)

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5. Areas of Agreement

The site and its surroundings

- 5.1 The Site is located on land to the north of High Street and east of Rowan Close in Bottisham, East Cambridgeshire – grid reference: 555135 (Eastings); 260522 (Northings). The extent of the site area is illustrated on Drawing 8621_001 (Site Location Plan) and extends to approximately 8.4hectares in total.
- 5.2 The site comprises of two field parcels. The smaller of the two fields lies at the centre of the Site, is rectangular in shape, and is predominantly laid to pasture grassland. Two ‘stands’ of mature walnut trees lie at its centre and are the subject of a Tree Preservation Order (ref. TPO E/15/19).
- 5.3 The larger field takes the form of an inverted ‘L’ and wraps around the smaller field to the north and east. The field is intensively cultivated for crop growing and does not contain any trees or other vegetation.
- 5.4 Generally speaking, the boundaries to the site comprise of hedgerows, with occasional mature trees interspersed. The two fields are separated by an existing hedgerow.
- 5.5 There is a single access to the Site, located in its southwest corner, leading directly from High Street. There is no public right of access or use of the Site.
- 5.6 Agricultural fields lie to the north and northeast of the Site, while the built-up area of Bottisham village lies to the south and west. This includes Bottisham House and associated buildings backing onto High Street to the south, and the rear of residential properties facing Rowan Close, Maple Close and Cedar Walk to the west. A footpath designated as a Public Right of Way runs adjacent to the Site boundary and the rear gardens of these properties for approximately 170 metres to the west. The Barchester-Hilton Park Care Community is located directly to the east of the Site.
- 5.7 The Site lies outside of but adjacent to the development envelope for Bottisham, and parts of the south of the site lie within the Bottisham Conservation Area. The whole of the site lies within the Cambridge Green Belt. To the south of the site is a group of Grade II Listed Buildings including Bottisham House and The Maltings.
- 5.8 The Site lies entirely within Flood Zone 1 and is at very low risk of flooding from rivers or watercourses. Isolated and small parts of the site are identified to be a low risk of surface water pooling having regard to the Government flood map for planning.
- 5.9 In ecological terms the Site is not designated (either in statutory or non-statutory terms) for its ecological, nature conservation or biodiversity value, and neither is any of the land immediately adjacent to the site so designated. In terms of onsite habitats and species, the supporting ecological assessment identifies the potential to support bats, badgers and birds. The supporting Ecological Assessment identifies that in ecological terms the site is of local importance only.

The Development Proposals

- 5.10 The appeal seeks outline planning permission (with all matters reserved apart from access) for the development of land for a retirement care village in Use Class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (comprising up to 30% on-site provision), public open space, play provision, landscaping, car parking, access and associated development.
- 5.11 Planning permission is sought for a maximum gross internal floor area of 14,335sq.m for the C2 retirement village element of the development proposals. The total number of individual C2 units is not known at this stage but this amount of floor area is expected to be sufficient to deliver up to around 170 residential units as well as the ancillary facilities.
- 5.12 A parcel for provision of C3 affordable housing is proposed. The total affordable housing requirement of the scheme will ultimately be dictated by the final number of units delivered on the C2 parcel (the requirement being 30% of that figure).
- 5.13 Indicatively, the area of land for the retirement village element of the proposals comprises approximately 3.4ha, 0.7ha for the affordable housing and a further 0.7ha for private amenity space and landscaping in the immediate setting of the development zones. The built element of the retirement village (excluding the affordable housing) would comprise approximately 42% of the overall site.
- 5.14 The public access parkland area proposed extends to approximately 3.2ha in area (excluding the notional area allowed for the access road from High Street).
- 5.15 A retirement village provides a range of specialist homes for private leasehold, sale and market rent, with additional care facilities to support those who need it, with a particular focus upon older people. The level of support can be adapted to fit the changing needs of people over time, ranging all the way up to full care. Retirement villages should be designed to integrate with local communities: on-site facilities are available for public use and residents can access existing local facilities and services via sustainable transport and maintain their existing social networks. It is agreed that the development proposals, as far as they relate to the retirement village, are a C2 use classification.
- 5.16 The scheme proposals are not designed in detail and the mix of extra care units is not fixed.

Bottisham

- 5.17 Bottisham is described as a relatively large village situated approximately 7 miles east of Cambridge and 6 miles west of Newmarket at section 8.5 of the Development Plan.
- 5.18 Like all villages in the district, it is agreed that Bottisham is identified in the development plan (Policy GROWTH2) for “more limited development” to take place in the village thereby helping to support local services, shops and community needs, whereas “the majority of development will be focused on the market towns of Ely, Soham and Littleport”

- 5.19 The settlement is served, for a village, by a good range of services and facilities, which the Development Plan describes thusly:

“Local amenities include a public house, shop and post office, GP surgery, library, primary school and Bottisham Village College. There is also a long-established employment area off Tunbridge Lane. The village has limited open space particularly in terms of what is available for public use. The open space adjacent to the Village College is widely used for informal recreation and events, and makes an important contribution to community life. There is a good bus service operating from Bottisham to Cambridge, Newmarket and Ely.”

- 5.20 In addition to those services and facilities identified within the development plan, the village is also served by: restaurants, sports centre, pharmacy, hairdressers, café and two places of worship (Holy Trinity Church and the RENEW Baptist Church that meets for worship every week at the Primary School).

Green Belt

- 5.21 The appeal site lies entirely within the Cambridge Green Belt.
- 5.22 Paragraphs 149 and 150 of the NPPF define development that should not be regarded as inappropriate within the Green Belt. The retirement care village element of the proposals does not align with any of these definitions and therefore comprises of inappropriate development within the Green Belt.
- 5.23 It is agreed that the Green Belt Assessment (LDA Design, January 2023) Chapter 3 submitted in support of the planning application was undertaken in accordance with a suitably robust methodology.
- 5.24 In relation to the purposes of including land as Green Belt (as per paragraph 138 of the NPPF) it is agreed that the previous Appeal Inspector at paragraphs 45-51 of his decision letter accepted that the appeal site does not materially perform any of the following purposes:
- It does not check the unrestricted sprawl of large built-up areas
 - It does not prevent neighbouring towns merging into one another
 - It does not preserve the setting and special character of Cambridge
 - It does not assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 5.25 In terms of the five purposes set out at paragraph 138 of the NPPF it is agreed that the key test for this appeal is that of encroachment into the countryside . The parties note and agree that the previous Inspector concluded in paragraph 51 of the appeal decision letter that the proposal “would harm Green Belt permanence and openness”.

- 5.26 It is agreed that substantial weight is accorded to the overall harm to the Green Belt in accordance with paragraph 148 of the NPPF.
- 5.27 It is agreed, notwithstanding this substantial weight, that in accordance with paragraph 148 of the NPPF planning permission can be granted for development within a Green Belt where the potential harm to a Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Alternative sites

The application was accompanied by an Alternate Site Search Assessment (ASA), the search parameters for which were the subject of pre-application discussions with the Council. The Council is currently taking independent advice on the ASA. Landscape and Visual Impact

- 5.28 Excluding Green Belt designation, it is agreed that the site is not situated in an area that is subject to any national or local designations, and does not fall within the scope of 'valued landscapes' under Paragraph 174a) of the NPPF as noted by the previous Appeal Inspector at paragraph 12 of his decision letter.

Need for Older People's Accommodation

- 5.29 It is agreed that the need to provide housing for older people is critical as set out within National Planning Practice Guidance (Paragraph: 001 Reference ID: 63-001-20190626).
- 5.30 The Council's Development Plan identifies at paragraph 4.7.2 that *"The forecast change in population by broad age groups for the period 2011-2031 predicts significant growth in the over 60 age group. The proportion of people aged 75+ years will rise by 93% and those aged 85+ years will grow by 144%. This is a dramatic increase in potentially vulnerable elderly couples and single elderly person households"*.
- 5.31 The Council's Development Plan identifies at paragraph 4.2.4 that *"The district also faces a major challenge in increasing the provision of housing for potentially vulnerable elderly and single person households"*.
- 5.32 It is agreed that the Development Plan does not allocate specific sites for the provision of older people's accommodation.
- 5.33 Policy HOU1 of the Development Plan states developments of 50 or more dwellings will be expected to provide a proportion of dwellings that are suitable or easily adaptable for occupation by the elderly or people with disabilities (Lifetime Homes standard or equivalent), but it is agreed that this policy does not meet the needs of the elderly exclusively and includes no express requirement for housing with care.
- 5.34 Both parties agree that there is an identified need for specialist older people's housing in the area. East Cambridgeshire Local Plan 2015 has no specific site allocations for specialist older people's housing.

Release of Housing Stock

- 5.35 Paragraph: 016a Reference ID: 63-016a-20190626 of the National Planning Practice Guidance advises that plan-making authorities will need to count housing provided for older people against their housing requirement. For residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published Census data.
- 5.36 Appendix C of the Council's Five Year Land Supply Report 1 April 2022 to 31 March 2027 (CD5.1) sets out that for East Cambridgeshire the ratio of release is judged to be 1 dwelling for each 1.5 extra care units provided.
- 5.37 It is agreed that should 170 units of accommodation be delivered on the site then this could equate to the release of up to 113 existing housing units into the local housing market.
- 5.38 The latest data from the Office for National Statistics shows that the ratio of median house prices in East Cambridgeshire to median gross annual workplace-based earnings is 10.58 (in the year that the Council's development plan was adopted this figure was 8.92). For England and Wales as a whole, the latest ratio recorded is 8.16.

Affordable Housing

- 5.39 The Development Plan states in paragraph 4.4.2 that there is a significant need for additional affordable housing in the District.

The Council's latest Annual Monitoring Report (2021-2022 – dated December 2022) (CD5.2) shows the total gross affordable housing completions from 2011 to 2022 has been 633 dwellings, or 57.5dpa. The Council's Strategic Housing Market Assessment (SHMA) 2013 for the Cambridge Housing Sub-Region identifies a need of 3,517 net affordable dwellings in the period 2011 to 2031, or 176 dwellings per annum (dpa). The Council's Development Plan acknowledges this fact at paragraph 4.4.2. It is agreed that the level of actual delivery has been significantly less than the annual requirement as per the SHMA (approx. 33% of the need has been delivered over the plan period so far).

- 5.40 The development proposals will deliver affordable housing, the precise number of dwellings is yet to be determined and full details of onsite provision will be agreed at the Reserved Matters Stage. Contributions towards off-site provision may be made (to be controlled by way of a planning obligation agreement).

Heritage

- 5.41 The County Council Archaeological Team raises no objection to the proposal, subject to a condition requiring a programme of archaeological work to be secured in accordance with a written scheme of investigation.

5.42 The application is supported by a Built Heritage Assessment (Cotswold Archaeology, January 2023) and both parties agree with the conclusions of that assessment that there will be a low level of 'less than substantial harm' caused to heritage assets (Bottisham House and the Bottisham Conservation Area) and no objection has been received by the Council's Conservation Officer.

5.43 It is agreed, as stated by the previous Appeal Inspector at paragraph 90 of his decision letter, that the "public benefits of the proposal are extensive...and easily outweigh the harm" It is agreed that there is no conflict with the test at paragraph 202 of the NPPF.

5.44 It is therefore agreed that the development proposals are acceptable in heritage terms and that there is no conflict with policies ENV11 and ENV12 of the development plan or section 16 of the NPPF.

Trees

5.45 The Council's Tree Officer confirms in comments dated 29 March 2023 that there are no arboricultural objections to the proposal. The proposed development will not result in harm to trees, subject to a suitable condition and there is no conflict with the Development Plan in this regard.

Ecology and Biodiversity

5.46 The Wildlife Trust raises no objection to the development proposals in its comments of the 6th March 2023.

5.47 It is agreed that the development would satisfy the policy requirements of the NPPF and the Development Plan and will deliver a net gain in biodiversity across the site as a whole, subject to a condition.

Highways and Transport

5.48 Cambridgeshire County Council in its role as Highway Authority has provided two consultation responses to the development proposals. One, dated 9th March 2023, from the Highway Development Management Team which raises no objections to the development proposals subject to a number of conditions. The other, dated 11th April 2023, also raises no objections to the development proposals subject to a number of conditions.

5.49 It is agreed that the development proposals are acceptable in highways and transport terms and there would be compliance with policy COM 7 of the Development Plan and paragraph 111 of the NPPF.

Flood Risk and Drainage

5.50 The application has been subject to formal consultation with Anglian Water, the Environment Agency, the Lead Local Flood Authority and the Swaffham Internal Drainage Board. No objection to the development proposals is raised by any of these parties, subject to conditions.

5.51 It is agreed that the development proposals would comply with Policy ENV8 of the Development Plan.

Residential Amenity

5.52 It is agreed that the proposal could achieve a satisfactory living environment for both existing and future occupiers and that such matters will be comprehensively assessed at the reserved matters stage.

5.53 It is agreed that the development proposals can comply with policy ENV2 of the Development Plan as regards residential amenity considerations.

Renewable Energy and Climate Change

5.54 It is agreed that policy ENV4 of the Development Plan requires 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.

5.55 It is agreed that the appropriate time to carry out an assessment of such matters is at the detailed design stage. Accordingly, it is agreed that it is reasonable to ensure such matters are controlled by way of a planning condition.

Access to green space and recreation

5.56 Paragraph 145 of the NPPF advises that local planning authorities should plan positively to enhance the beneficial use of Green Belt land including to provide opportunities for outdoor sport and recreation. Paragraph 98 of the NPPF explains that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

5.57 The development plan identifies at section 8.5 that a key infrastructure requirement in Bottisham is the provision of new public open space.

5.58 The development proposals will provide new public open space in the form of approximately 3.2ha of parkland and a separate equipped area of play.

Job Creation and Economic Impact

5.59 Chapter 6 of the NPPF focuses on building a strong, competitive economy and paragraph 81 of the NPPF sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

5.60 When operational, the proposed Retirement Village is, according to the applicant, anticipated to generate approximately 70 full time equivalent jobs across a variety of roles such as medical care, social care, management and maintenance. These will be permanent

roles which will increase the number and type of employment opportunities available in Bottisham and the surrounding area.

- 5.61 The development would generate temporary additional jobs during the construction stage.
- 5.62 New residents are likely to contribute additional local spending and are likely to utilise and support local services and facilities helping to ensure their viability and their continued existence.

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6. Matters Not Agreed

6.1 The following matters are not agreed between the Appellant and the Council

- TO BE DETERMINED UPON RECEIPT OF THE COUNCIL'S POSITION

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1. List of Possible Conditions

No.	Wording
Timings	
1	<p>No development shall commence until details of the appearance landscaping, layout and scale, (hereinafter called the 'reserved matters') have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.</p>
2	<p>Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved. Application(s) for the approval of reserved matters shall broadly respect the Parameter Plans:</p> <ul style="list-style-type: none"> • 8621_003 - Development Area, Heights and Land Use Parameter Plan • 8621_004 - Access & Road Alignment Parameter Plan • ref. 8621_005 - Public Open Space & Landscape Parameter Plan
Pre-commencement	
3	<p>The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.</p> <ul style="list-style-type: none"> • 8621_001 – Location Plan • 2209048/01 – Visibility Splay (site access drawing) • 2209048-04 - Proposed Access Arrangement Pedestrian Improvements
4	<p>No development within either of the built development areas shown on plan ref. 8621_003 shall commence until the implementation of a programme of archaeological work for that built development area and its associated access secured in accordance with a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing.</p> <p>The WSI shall include:</p> <p>a) the statement of significance and research objectives;</p>

	<ul style="list-style-type: none"> b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; c) The timetable for the field investigation and its implementation as part of the development programme; d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material.
<p>5</p>	<p>Prior to the commencement of the development within either of the built development areas shown on plan ref. 8621_003 and its associated access a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include:</p> <ul style="list-style-type: none"> a); measures to control noise affecting nearby residents; b) wheel cleaning/chassis cleaning facilities; c) dust control measures; d) pollution incident control; e) ecological mitigation measures during the construction period (in accordance with the Ecological Impact Assessment dated 03/02/2023) f) details of any site lighting and its location; and g) site contact details in case of complaints. <p>The construction works for that built development area and its associated access shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning authority.</p>
<p>6</p>	<p>Prior to or concurrent with the submission of the first reserved matters application a Landscape and Ecological Management Plan (LEMP) shall be submitted to the local planning authority for approval. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> a) Description and evaluation of features to be managed. b) Ecological trends and constraints on site that might influence management. c) Aims and objectives of management, including how a minimum of 8.6% in biodiversity net gain will be achieved within the site. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). g) Details of the body o organization responsible for implementation of the plan. h) Ongoing monitoring and remedial measures.

	<p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation (of at least 30 years) of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.</p>
<p>New</p>	<p>Prior to the commencement of the development within either of the built development areas shown on plan ref. 8621_003 and its associated access hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees affected by development within the built development area, in accordance with British Standard BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a) Location and installation of services/ utilities/ drainage. b) Methods of any demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c) Details of construction within the RPA or that may impact on the retained trees. d) A full specification for the installation of boundary treatment works within or adjacent RPA's. e) A full specification for the construction of any roads in relation to RPA's, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h) A specification for scaffolding and ground protection within tree

	<p>protection zones.</p> <p>i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</p> <p>j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.</p> <p>k) Methodology and detailed assessment of any agreed root pruning.</p> <p>l) Details of Arboricultural supervision and inspection by a suitably qualified tree specialist.</p> <p>m) Details for reporting of inspection and supervision.</p> <p>n) Methods to improve the rooting environment for retained and proposed trees and landscaping.</p> <p>o) Veteran and ancient tree protection and management.</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p>
7	<p>No development shall take place within either of the built development areas shown on plan ref. 8621_003 until a scheme to dispose of surface water for that built development area has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented in accordance with the approved details.</p> <p>Those details shall include:</p> <ul style="list-style-type: none"> i. a timetable for its implementation, and ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
8	<p>No development shall take place within either of the built development areas shown on plan ref. 8621_003 until a foul water drainage scheme for that built development area 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.</p>
Prior to above ground works	

9	<p>No development above ground level within either of the built development areas shown on plan ref. 8621_003 shall proceed until an Energy Statement has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate that a minimum of 10% carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The approved scheme shall be fully installed and operational prior to the occupation of any unit with the C2 Use Class or the relevant affordable dwelling to which it relates and thereafter maintained in accordance with the approved details.</p> <p>Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Energy Statement to take account of this shall be submitted to and approved in writing by the local planning authority. The revised Energy Statement shall be implemented development and thereafter maintained in accordance with the approved details</p>
Pre-occupation/use	
10	<p>Prior to the first use of the development within either of the built development areas shown on plan ref. 8621_003 hereby approved, a scheme for the provision of fire hydrants for that built development area and in respect of the C2 Use a sprinkler/fire suppressant system shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details prior to first use of the development.</p>
11	<p>Prior to first occupation or commencement of use within either of the built development areas shown on plan ref. 8621_003 sufficient space within that built development area shall be provided 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.</p>
12	<p>The pedestrian improvements shown on the drawing 2209048-04 shall be constructed prior to the first occupation of the development.</p>
13	<p>Before the use hereby permitted within either of the built development areas shown on plan ref. 8621_003 is commenced, an assessment of the noise impact of plant and or equipment within that built development area including any renewable energy provision sources such as any air source heat pump or wind turbine on the proposed and existing residential premises and a scheme for insulation as necessary, in order to minimise the level of noise emanating from the said plant and or equipment shall be submitted to and approved in writing by the local planning authority. Any noise insulation scheme as approved shall be fully implemented before the use within that built development area hereby permitted is commenced and</p>

	shall thereafter be maintained in strict accordance with the approved details and shall not be altered without prior approval.
14	Prior to first occupation of the development within either of the built development areas shown on plan ref. 8621_003, hereby approved, a travel plan for that built development area to encourage the use of sustainable modes of travel other than the private car shall be submitted to an agreed in writing by the Local Planning Authority. The agreed Travel Plan shall be implemented as approved.
Compliance	
15	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
16	In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded). Development shall be carried out in accordance with the approved details.
17	No construction work and/or construction related dispatches from or deliveries to the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday, 08.00 to 13.00 hours on Saturdays and no construction works or collection / deliveries shall take place on Sundays, Bank or Public Holidays.
18	
19	The development, hereby approved, (with the exception of any on-site affordable housing falling within use class C3) shall only be used for provision of extra care housing purposes falling within use class C2 of the Town and Country Use Classes Order 1987 (as amended).
20	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 2209048-01 within 10 metres of the public highway.
21	No more than 14,335sq.m GIA of floor area in respect of the C2 Use shall be provided on the appeal site.

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Appendix A – Draft Heads of Terms for planning obligation agreement

No.	Matter
1	Affordable Housing
2	On site public open space
3	Wheeled bin contribution
4	Housing with Care Units (terms of occupation)
5	Landscape Ecological Management Plan Maintenance
6	SuDS Maintenance
7	Healthcare Contribution
8	Education Contribution

Appendix B - Core Documents List

CD1 Application Documents		
Core Doc Ref	Title	Ref/Date
CD1.1	Application Form and certificates	16/02/2023
CD1.2	Planning Statement and appendices	Feb 2023
CD1.3	Design and Access Statement	Jan 2023
CD1.4	Heritage Statement	Jan 2023
CD1.5	Alternative Site Search Assessment	Feb 2023
CD1.5	Biodiversity Net Gain Assessment	03/02/2023
CD1.6	Ecological Impact Assessment	03/02/2023
CD1.7	Landscape and Visual Impact Assessment	Jan 2023
CD1.8	Transport Assessment	01/02/2023
CD1.9	Travel Plan	01/02/2023
CD1.10	Green Belt Assessment	Jan 2023
CD1.11	Planning Needs Assessment	Feb 2023
CD1.12	Geoenvironmental & Geotechnical Desktop Study	Dec 2019
CD1.13	Utilities Assessment	Jan 2020
CD1.14	Flood Risk Assessment and Drainage Strategy	Jan 2023
CD1.15	Statement of Community Involvement	Feb 2023
CD1.16	Arboricultural Report	Jan 2023
CD1.17	Arboricultural Impact Assessment	Jan 2023
CD1.18	Noise Assessment	Jan 2020

CD1 Drawings Schedule as submitted				
Core Doc Ref	Drawing Description	Reference	Revision	Date
CD1.19	Site Location Plan	8621_001		Jan 2023
CD1.20	Aerial Location Plan	8621_002		Jan 2023
CD1.21	Development Area, Heights and Land Use Plan	8621_003		Jan 2023
CD1.22	Access & Road Alignment	8621_004		Jan 2023
CD1.23	Public Open Space & Landscape Plan	8621_005		Jan 2023
CD1.24	Visibility Splay (site access)	2209048-01 n.b. within Transport Assessment – see appendix F		18/11/2022
CD1.25	Proposed Access Arrangement Pedestrian Improvements	2209048-04 n.b. within Transport Assessment – see appendix I		18/11/2022

CD2 Committee Report		
Core Doc Ref	Title	Ref/Date
CD2.1		
CD2.2		
CD2.3		

CD3 The Development Plan		
Core Doc Ref	Title	Ref/Date
CD3.1	The East Cambridgeshire Local Plan (ECLP)	April 2015
CD3.2		

CD4 Relevant Documents		
Core Doc Ref	Title	Ref/Date
CD4.1	East Cambridgeshire Five Year Land Supply Report 1 April 2022 to 31 March 2027	12 August 2022
CD4.2	East Cambridgeshire Authority's Monitoring Report (AMR) 2021-22	Dec 2022
CD4.3	The Cambridgeshire Green Infrastructure Strategy 2011	
CD4.4		
CD4.5		
CD4.6		
CD4.7		

23/00656/FUL

4 Church Farm Close

Wentworth

Ely

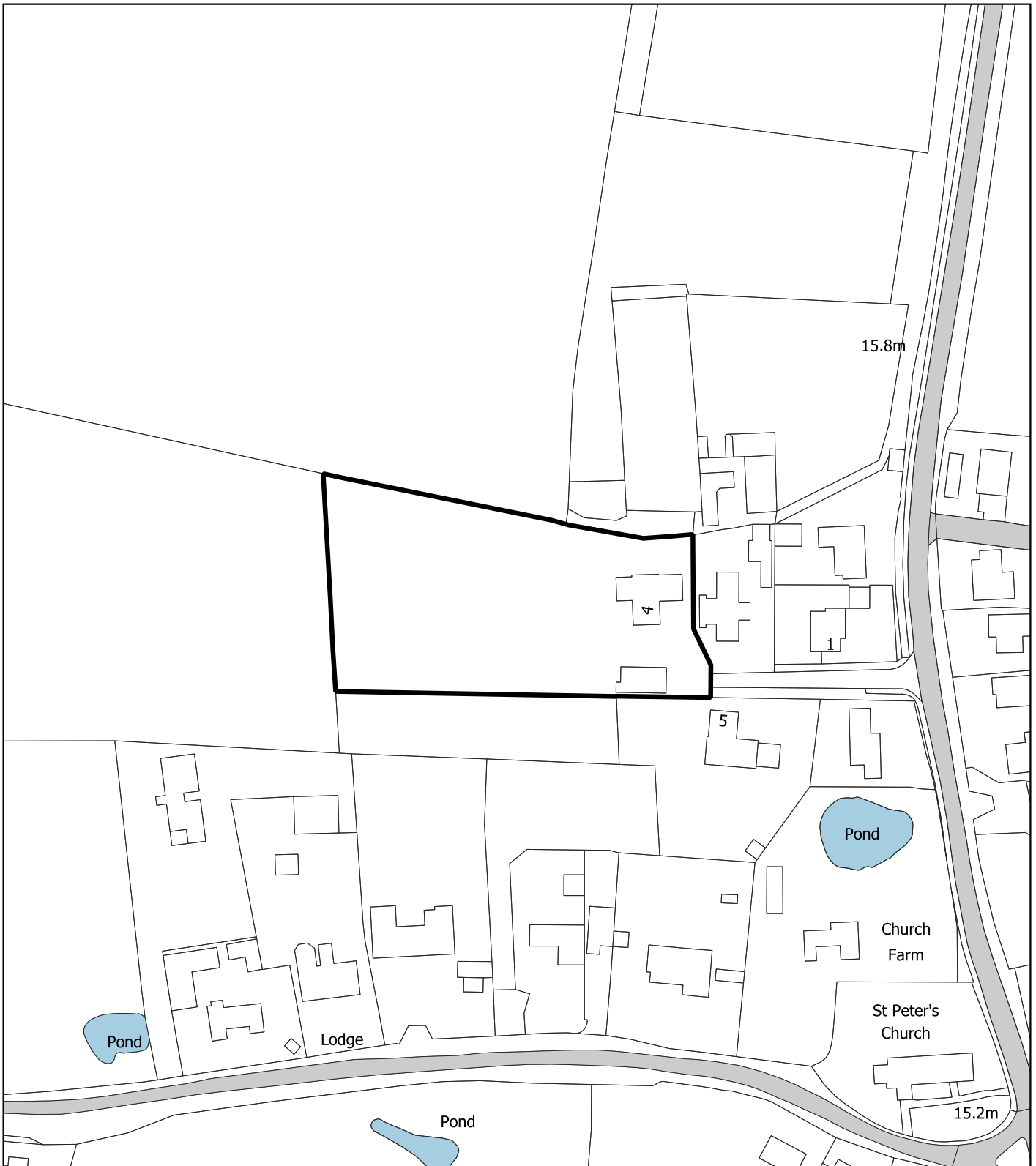
CB6 3QL

Change of use of paddock land to residential garden and siting of domestic garden structures - 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=RVZEXDGGLBR00>





23/00656/FUL

4 Church Farm Close
Wentworth



East Cambridgeshire
District Council

Date: 14/08/2023
Scale: 1:1,500



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TITLE: 23/00656/FUL

Committee: Planning Committee

Date: 6 September 2023

Author: Planning Officer

Report No: Y38

Contact Officer: Rachael Forbes, Planning Officer
rachael.forbes@eastcambs.gov.uk
01353 616300
Room No 011 The Grange Ely

Site Address: 4 Church Farm Close Wentworth Ely Cambridgeshire CB6 3QL

Proposal: Change of use of paddock land to residential garden and siting of domestic garden structure - retrospective

Applicant: D & W Scott

Parish: Wentworth

Ward: Sutton

Ward Councillor/s: Lorna Dupré
Mark Inskip

Date Received: 22 June 2023

Expiry Date: 13 September 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

2.0 SUMMARY OF APPLICATION

2.1 The application seeks retrospective planning permission for the change of use of paddock land to domestic garden and the siting of garden structures. The description originally included reference to 'paraphernalia', however this does not require planning permission and therefore has been removed from the proposal description.

2.2 The application is being heard at Planning Committee as it is a departure from the development plan.

2.3 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	01/00246/FUL	Construction of five detached dwellings	Approved	07.05.2002
	03/01243/FUL	Erection of three bedroom chalet bungalow and single garage	Approved	21.01.2004
	04/00521/FUL	New house and garage	Approved	06.09.2004
	05/00410/FUL	New house and garage	Approved	29.06.2005

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site consists of a two-storey detached dwelling and garage. The dwelling and most of the garage are within the development envelope; the land proposed to change use is outside of the development envelope and is therefore considered to be in the countryside. The land is bounded by post and rail timber fencing and a two-metre (6.5ft) hornbeam hedge.

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.

Parish Council - 30 June 2023

No objections to raise

Ward Councillors - No Comments Received

Enforcement Section - No Comments Received

5.2 A site notice was displayed near the site on 10th July 2023 and a press advert was published in the Cambridge Evening News on 13 July 2023.

5.3 Neighbours – five neighbouring properties were notified; no responses were received.

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

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk

6.3 Supplementary Planning Documents

Design Guide
Flood and Water
Natural Environment SPD
Climate Change SPD

6.4 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
- 15 Conserving and enhancing the natural environment

6.5 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

The main considerations in the determination of this application are the principle of development, visual amenity, residential amenity, ecology and climate change.

7.1 Principle of Development

7.1.1 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 states that outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the settings of towns and villages. Development will be restricted to the main categories listed in the policy and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.

7.1.2 The proposal seeks the change of use of paddock land to garden land and the siting of domestic structures which is not an exception listed in Policy GROWTH 2. As it is not listed an exception, the proposal is therefore contrary to GROWTH 2.

- 7.1.3 However, paragraph 47 of the National Planning Policy Framework states *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'*. This is a reflection of the requirements of the Planning and Compulsory Purchase Act referred to above.
- 7.1.4 The dwelling and garage were granted approval in 2005 (05/00410/FUL). The submitted drawings show the red line boundary around the area where the dwelling and garage are sited and the access leading to the property. In the blue line is a 'one-acre paddock'. On the site plan from this application, it is noted that the land beyond the red line is arable land but that there will be no physical boundary treatment between the two.
- 7.1.5 The submitted planning statement sets out that in 2008 the previous owners constructed a garden patio and shed partly on the former paddock and partly on the approved garden, that they established a grass lawn extending fully across the approved garden and paddock and that all boundaries and demarcations between garden and paddock were removed.
- 7.1.6 The current owners purchased the site in 2015. The planning statement states *'Since their purchase of the site in 2015, the current owner and their family have continued to use the former paddock land as an integral part of their domestic garden. They have gradually introduced additional domestic structures to the land over the c.8 years since 2015'*. As part of the application, the sales particulars have been provided. The pictures included in the sales particulars show the grass lawn extending across the approved garden and paddock. The external area is described in the particulars as *'The remaining garden and grounds are laid to lawn enclosed by a post and rail fence with a number of trees to the rear'*.
- 7.1.7 The available aerial photographs of the site are from 2007, 2008, 2009, 2016, 2018, 2020 and 2023. In the 2007 and 2008 aerial images, the site does not appear to be laid to lawn but there also does not appear to be any demarcation or boundary between the two land uses. In the 2009 image, the garden and paddock land is laid to lawn as it is in the aerial views from 2016 and this is consistent with the pictures from the sales particulars. The aerial images from 2018 onwards show the site much as it is now.
- 7.1.8 The first page of the planning statement states *'Because the change of use occurred more than 10 years ago, the applicants have grounds to apply for a Certificate of Lawful Use. This full planning application does not purport to provide those grounds and does not preclude the submission of such an application at a later date, to be determined on its own merits'*. For the change of use to be lawful, the breach would need to have occurred for at least 10 years without challenge from enforcement action.
- 7.1.9 While officers are not making a determination as to whether the change of use is established as lawful through the passage of time, it appears that the land has been laid to grass, with no demarcation between the two pieces of land since 2009. The applicant has provided pictures in the planning statement showing the paddock land being used as garden from 2016 (following their purchase of the site). It is

considered the length of time the land has been used as domestic garden forms a material consideration in the determination of the application.

7.2 Visual Amenity

- 7.2.1 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 7.2.2 The proposal seeks the change of use of paddock land to garden land and the siting of domestic structures. The domestic structures include a greenhouse, the laying of sandstone paving and two ponds, one with an artificial beach.
- 7.2.3 The planning statement includes an aerial image of the site in 2003, prior to the construction of the dwelling, which shows the land parcel, edged on the western and northern boundaries with hedging/vegetation. The site at present is bounded on the north, west and southern boundaries by hornbeam hedge planted by the applicants, pre-existing hawthorn hedge and a pre-existing 1.3 metre (4.2ft) post and rail fence. There are limited views of the site from the public realm; the closest roads (excluding Church Farm Close itself) are Church Street (east), Main Street (south) or the A142 (north). The nearest Public Right of Way (PRoW) is approximately 690 metres (2,263ft) away to the west.
- 7.2.4 While the proposed garden land does extend into the countryside, it does not extend beyond the cluster of dwellings to the south of the site. It is not in an isolated location and there is residential development and gardens in very close proximity to the site. Furthermore, it is considered that if viewed from outside of the site all that will be visible is the boundary treatments, which would potentially be no different to the view that would be available if the land was in use as a paddock.
- 7.2.5 Turning to the development within the site, the domestic features are all largely located to the east of the site, closest to the dwelling. The greenhouse is of a design and scale that would be expected in a domestic garden, as are the eastern pond and sandstone paving. It is considered that they are all of a high standard of design and would not result in harm to the character and appearance of the area, further assisted by the fact that they have limited visibility from outside of the site.
- 7.2.6 The pond with artificial beach to the west of the site is situated away from the dwelling. However, this is low to the ground with planting and vegetation around it. Further to this, the pond is considered to have positive biodiversity benefits (this is expanded on in the relevant section). Again, there will be very limited, if any visibility of this outside of the site.
- 7.2.7 Planning permission goes with the land and while the current owners have planted hedging and the features that they have installed are of a high quality, it is accepted that this may not always be the case. Even if the hedging were not present, it is considered that the site would have limited visibility from the public realm. Officers

have considered the removal of Class E permitted development rights, however, Planning Practice Guidance states that *'conditions restricting the future use of permitted development rights or changes of use may not pass the tests of reasonableness or necessity... Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.'* Class E of the General Permitted Development Order, 2015 restricts heights, siting and size of development and any ancillary development that would constitute permitted development would be domestic in scale and in keeping with the scale of the house. It is therefore considered that it would not be reasonable to remove permitted development rights in this case.

- 7.2.8 It is considered that the proposal would not result in a significant adverse impact to the character and appearance of the area nor result in significant harm to the countryside and is therefore considered to comply with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.
- 7.3 Residential Amenity
- 7.3.1 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.3.2 4 Church Farm Close has five neighbours; 3 Church Farm Close to the east, 5 Church Farm Close to the south east, Victoria House and Tanglewood to the south and Woodward to the south west.
- 7.3.3 As noted in the above sections, it is considered that the existing use has been occurring for a number of years.
- 7.3.4 The domestic structures include the erection of a greenhouse, the laying of sandstone paving and two ponds. Of these, the only one that could potentially have any impacts to neighbouring dwellings (due to the others being on the ground) is the greenhouse. This is situated adjacent to the southern boundary. The greenhouse is approximately 3 metres (9.84ft) in height (3.3 metres (10.82ft) including the finial). It is a low height transparent building and is separated from the dwellings to the south by a strip of land and from 5 Church Farm Close by the garage building at number 4. It is considered that this outbuilding would not result in any overbearing, overshadowing or overlooking impacts to neighbouring dwellings.
- 7.3.5 Whilst the area of the site is large compared to the existing residential garden, the use of the site by a single residential property is not considered to result in any significant increase in noise and disturbance to the neighbouring residential properties.
- 7.3.6 The proposal is considered not to result in any significant adverse impacts to the residential amenity of neighbouring occupiers and is therefore considered to comply with Policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

7.4 Ecology

- 7.4.1 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.
- 7.4.2 The Council has adopted the Natural Environment SPD which states that all developments must result in biodiversity net gain.
- 7.4.3 The planning statement sets out that following the change of use occurring in 2008, the following features have been added to the site:
- The creation of two ponds with wildlife ramps. The western pond also has an artificial beach.
 - The planting of 70+ native tree specimens including hornbeam hedgerows.
 - The planting of new beds and borders with shrubs, plants, flowers and grasses.
 - An underground frog den (appearing as a log pile) installed near the western pond.
 - Five bird boxes have been installed around the site.
- 7.4.4 The planning statement sets out that the applicants' future intentions are to create a wildflower meadow in the west of the site,
- 7.4.5 Pictures have been provided of the above enhancements within the planning statement and within appendix 2 of the planning statement.
- 7.4.6 The Natural Environment SPD gives an example of net gain: *'If development is to take place on, say, a current agricultural field with perhaps a hedgerow around it, by the time the development is complete, there should be more land set aside for wildlife to thrive than there was before development took place. This will require new habitats to be created, such as woodlands and ponds, as well as homes that incorporate wildlife friendly measures such as bird and bat boxes.'*
- 7.4.7 From the information available, the site previously had hedging/vegetation on the northern and western boundaries and the aerial images show that the site has been laid to grass since 2009. It is considered that the biodiversity value of the site has

been increased through the implementation of the features set out above. Further to this a section of the site has been left as grass. New habitats have been created alongside other measures to enhance biodiversity. It is considered that most of the changes that have occurred on the land over time have biodiversity benefits and are proportionate to the development proposed.

- 7.4.8 The proposal is therefore considered to comply with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015 and the Natural Environment SPD.
- 7.5 Flood Risk
- 7.5.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The sequential and exception test will be strictly applied across the district and new development should normally be located in flood zone 1; the application site is situated in flood zone 1 and therefore is considered to be acceptable.
- 7.5.2 Due to the nature of the development, the disposal of foul sewage is not relevant to the application. No information has been provided in respect of surface water, however, the only surface water created would be from the sandstone paving and greenhouse. The greenhouse has guttering and there are areas of planting around the greenhouse and grass adjacent to the sandstone paving which water could drain into. It is considered that it would not be necessary to seek any further information relating to drainage given the scale of the physical development that permission is sought for.
- 7.5.3 The proposal is therefore considered to comply with Policy ENV 8 of the East Cambridgeshire Local Plan, 2015.
- 7.6 Climate Change
- 7.6.1 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 measures within their proposal. No measures have been put forward as part of the application, however, due to the nature of the development proposed, it is considered that the inclusion of sustainability measures reasonably related to the development would be difficult and in this instance it is considered acceptable not to provide any such measures.
- 7.7 Planning Balance
- 7.7.1 Whilst the proposed development does not accord with policy GROWTH 2 as it does not fall within one of the exemptions for development in the countryside, it would not cause any harm to the character of the countryside which is a key aim of policy GROWTH 2.

- 7.7.2 The proposal is considered to be acceptable in all other aspects including impacts of the proposal upon the character and appearance of the surrounding area, impacts to the amenity of neighbouring occupiers and it results in an enhancement to biodiversity and complies with all relevant Local Plan policies regarding those considerations. It is therefore considered that no demonstrable harm would arise from the proposed development.
- 7.7.3 As detailed in the principle section, the site has been laid to lawn and in use as residential garden for a significant period, with some evidence suggesting that this has been for a period that would be sufficient to establish lawful use through the passage of time. While not definitive, some weight has been given to this in the weighing of the application.
- 7.7.4 Taken together, the lack of any demonstrable harm to the character of the countryside, the lack of any other detailed harm and the length of time the site has been laid to lawn and in use as residential garden are considered to form material considerations of sufficient weight to warrant a departure from the Local Plan in respect of the strict application of policy GROWTH 2. The application is therefore 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: Conditions

Background Documents

23/00656/FUL

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

APPENDIX 1 - 23/00656/FUL Conditions

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

Plan Reference	Version No	Date Received
02	3	22nd June 2023
01	2	22nd June 2023
Greenhouse		9th June 2023

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

Planning Performance – July 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	137	2	23	38	16	27	31
Determined on time (%)		100% (90% within 13 weeks)	91% (80% within 8 weeks)	92% (90% within 8 weeks)	94% (90% within 8 weeks)	78% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	123	2	21	36	10	26	28
Refused	14	0	2	2	6	1	3

Validations – 93% validated within 5 working days (ECDC target is 80%)

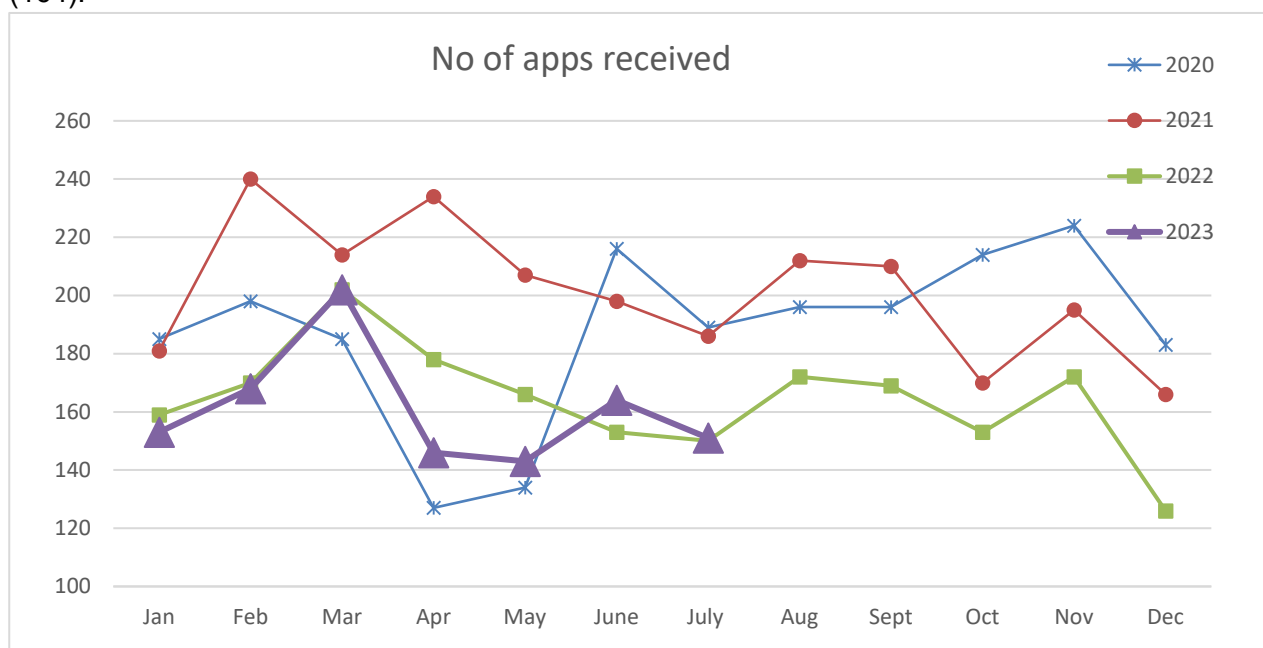
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validations	133	3	25	32	17	21	35

Open Cases by Team (as at 21/08/2023)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Team 1 (2 FTE)	50	7	9	1	10	23	0
Team 2 (3 FTE)	124	8	40	21	23	32	0
Team 3 (3 FTE)	121	9	31	15	26	40	0
Team 4 (2.8 FTE)	100	4	6	21	26	43	0
No Team (4.4 FTE)	125	21	25	1	16	16	46

(No Team includes – Trees Officer, Conservation Officer and 3 x Agency Workers.)

The Planning department received a total of 151 applications during July which is 1% increase of number received during July 2022 (150) and 8% decrease to the number received during June 2023 (164).



Valid Appeals received – 1

Planning reference	Site Address	Decision Level
23/00205/OUM	Land Rear Of 163 To 187 High Street Bottisham	Non Determination

Appeals decided – 8

Planning reference	Site address	Decision Level	Appeal Outcome
21/00406/FUM	Hadham Farm Norwich Road Kennett	Delegated	Allowed
22/00282/FUL	The High House 41 Mill Street Isleham	Delegated	Allowed
22/00312/LBC	The High House 41 Mill Street Isleham	Delegated	Allowed
22/00996/FUL	Hithertree House Nornea Lane Stuntney	Delegated	Allowed
22/00997/FUL	24 Main Street Coveney	Delegated	Dismissed
22/00998/LBC	24 Main Street Coveney	Delegated	Dismissed
ENFORCEMENT	1 Mount Pleasant Cottages 68 Main Street Pymoor		Allowed
ENFORCEMENT	Mount Pleasant Farm, 66-68 Main Street Pymoor		Notice Nullified

Upcoming Hearing dates – 3

Planning reference	Site address	Decision Level	Appeal Date
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 – 14 (0 Proactive)

Cases closed – 33 (2 Proactive)

Open cases/officer (2.6FTE) – 169 cases (20 Proactive)/2.6 = 65 per FTE

Notices served – 0

Notice Type	Site address	Date Served
Enforcement Notice	Arthurs Way Fordham	03/07/2023

Comparison of Enforcement complaints received during July

Code	Description	2022	2023
ADVERT	Reports of unauthorised adverts	0	0
COND	Reports of breaches of planning conditions	1	2
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	0
LISTED	Reports of unauthorised works to a Listed Building	0	1
MON	Compliance Monitoring	1	0
OP	Reports of operational development, such as building or engineering works	3	2
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	0	0
PLAN	Reports that a development is not being built in accordance with approved plans	1	1
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	0	0
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	4
USE	Reports of the change of use of land or buildings	3	4
TOTAL		9	14