



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: PLANNING COMMITTEE

TIME: 1:00pm

DATE: Monday, 20th April 2020

VENUE: PLEASE NOTE: Due to the introduction of restrictions on gatherings of people by the Government due to the Covid-19 outbreak, this meeting will be conducted remotely facilitated using the Zoom video conferencing system. There will be no access to the meeting at the Council Offices, but there will be public speaking in accordance with the Council's Public Speaking at Planning Committee Scheme and the public are welcome to view the meeting via Zoom. Details of the public speaking and public viewing arrangements for this meeting are detailed in the Notes box at the end of the Agenda.

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

DIRECT DIAL:(01353) 665555 EMAIL: Janis.murfet@eastcambs.gov.uk

Membership:

Conservative Members

Cllr Bill Hunt (Chairman)
Cllr Christine Ambrose Smith
Cllr David Brown
Cllr Lavinia Edwards
Cllr Josh Schumann
Cllr Lisa Stubbs (Vice Chair)

Liberal Democrat Members

Cllr Matt Downey (Lead Member)
Cllr Alec Jones
Cllr John Trapp
Cllr Gareth Wilson

Independent Member

Cllr Sue Austen

Substitutes:

Cllr David Ambrose Smith
Cllr Lis Every
Cllr Julia Huffer

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Substitute:

Cllr Paola Trimarco

Lead Officer:

Rebecca Saunt, Planning Manager

Quorum: 5 Members

A G E N D A

1. Apologies and Substitutions **[oral]**

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

3. Minutes
To receive and confirm as a correct record the Minutes of the Planning Committee meetings held on 5th February 2020

4. Chairman's Announcements **[oral]**

5. **19/00146/OUM**
Residential development for up to 19 dwellings.
Site South East of 34 – 36 Chapel Lane, Wicken
Applicant: Mr R Wilson, K Arrowsmith and J Magri

6. **19/00179/FUM**
Application for 16 residential dwellings (including 40% affordable) comprising two 5xbed houses, one 4xbed house, four 3xbed houses and nine 2xbed houses along with access, car parking, landscaping and associated infrastructure.

Potters Cottage, 39 Church Street, Ashley, CB8 9DU

Applicant: The Henry Lord Fairhaven Discretionary Settlement

7. **19/00376/OUM**
Outline planning application for the erection of up to 110 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access points from Station Road and Fordham Road. All matters reserved except for means of main vehicular access.

Land Off Station Road, Isleham

Applicant: Gladman & Christopher Ian Harvey

8. 19/01386/FUL

Demolition of existing cottage and outbuildings and the erection of 4no. dwellings and 1 replacement dwelling with 2no. crossovers, shared surface access road and associated works.

Gosling Cottage, 165 The Street, Kirtling, Newmarket

Applicant: Hamilton Developments (Newmarket) Ltd

9. 19/01413/OUM

Extension of existing care home to include two storey addition to care home, 15no. assisted residential apartments, 90no. assisted residential apartments with ancillary facilities, 54no. staff bedsits and flats, together with 37no. open market dwellings.

The Soham Lodge Nursing Home, Soham Bypass, Soham

Applicant: DCSL Limited

10. 19/01635/FUL

Continue use of Shop/Café with Alterations & Additions to form 1No. First Floor Flats, Access, Parking & Site Works.

65 High Street, Sutton, CB6 2NL

Applicant: Six and Five Developments

11. 19/01589/OUT

Proposed detached single storey dwelling, garaging, access road, visibility splays and associated works.

Site East Side of Herringswell Road, Herringswell Road, Kennett

Applicant: James Hanley

12. 19/01777/OUT

Proposed residential development comprising 4No. dwellings, garaging & access.

Site West of 45 East Fen Road, Isleham

Applicant: Albendan Ltd

NOTES:

1. Since the introduction of restrictions on gatherings of people by the Government in March 2020, it has not been possible to hold standard face to face public meetings at the Council Offices. This lead to a temporary suspension of meetings. The Coronavirus Act 2020 has now been implemented, however, and in Regulations made under Section 78 it gives local authorities the power to hold meetings without it being necessary for any of the participants or audience to be present together in the same room.

It is the intention of East Cambridgeshire District Council to hold Planning Committee meetings for the foreseeable future as online meetings, using the Zoom video conferencing system. This system is simple for members of the public to access, as well as participants. If you wish to view the meeting you will need to contact the Democratic Services Officer, Janis Murfet, janis.murfet@eastcambs.gov.uk by 10am on Friday 17 April 2020 to register, so that we can send you the link required to access the meeting. Due to restrictions on Zoom, access to the online meeting will be strictly on a "first come, first served" basis, as numbers are limited to 100.

2. The Council has a scheme to allow public speaking at Planning Committee. If you wish to speak at the Planning Committee, please contact Janis Murfet, Democratic Services Officer for the Planning Committee janis.murfet@eastcambs.gov.uk to register your wish to speak by 10am on Friday 17 April 2020. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to access remotely, or do not wish to speak via a remote link. Please note that public speaking 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. Reports are attached for each agenda item unless marked "oral".
4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
5. 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 in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 5th February 2020 at 2:00pm.

P R E S E N T

Cllr Bill Hunt (Chairman)
Cllr Christine Ambrose Smith
Cllr David Ambrose Smith (substitute for Cllr Lavinia Edwards)
Cllr Sue Austen
Cllr David Brown
Cllr Matt Downey
Cllr Alec Jones
Cllr Josh Schumann
Cllr Lisa Stubbs (Vice Chair)
Cllr John Trapp
Cllr Gareth Wilson

OFFICERS

Rebecca Saunt – Planning Manager
Angela Briggs – Planning Team Leader
Maggie Camp – Legal Services Manager
Gemma Driver – Planning Officer
Barbara Greengrass – Planning Team Leader
Janis Murfet – Democratic Services Officer
Dan Smith – Planning Consultant
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

IN ATTENDANCE

18 members of the public

85. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillor Lavinia Edwards.

It was noted that Councillor David Ambrose Smith would substitute for Councillor Edwards for the duration of the meeting.

86. DECLARATIONS OF INTEREST

No declarations of interest were made.

87. MINUTES

It was resolved:

That the Minutes of the meeting held on 8th January 2020 be confirmed as a correct record and signed by the Chairman.

88. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- Members of the public were welcome to use electronic devices to record or film the meeting providing they did not cause any disruption. Members of the Committee might be using electronic devices in place of paper copies of the agenda, but they would be expected to give full attention to the proceedings;
- There was no access to the corridor adjacent to the Council Chamber while building works were being undertaken. If anyone needed to use the toilets, a member of staff would direct them to the nearest available ones;
- Agenda Item No. 9 (Planning Customer Satisfaction Survey – 6 month feedback) was to the credit of Officers and showed how highly regarded they were;
- Gemma Driver was congratulated on her promotion to Planning Officer;
- Members were reminded to use the opportunity to ask questions of speakers while they were seated at the public speaking table.

89. 19/00331/OUM – LAND OFF SCOTLAND END, CHIPPENHAM

Dan Smith, Planning Consultant, presented a report (reference U158, previously circulated) which sought outline planning permission for residential development of the site for up to 10 dwellings. The application also detailed access arrangements at this stage which was to access the site via the existing cul de sacs on Scotland End. The other detailed matters of the appearance, layout and scale of the dwellings and the landscaping of the site were reserved for future consideration. The layout of the housing shown on the drawing No. 01B should therefore be considered indicative only.

The application had been amended to show amended access into and within the site and supplementary drainage information had also been provided.

The Update Document stated that in addition to securing affordable housing and waste bin provision, the S106 will secure a financial contribution

to the Council to cover the ongoing maintenance of a SuDs drainage scheme in the event that its maintenance is ultimately vested with the District Council.

The site was located adjacent to but outside of the development envelope of Chippenham, and outside of but close to the Conservation Area. Two buildings on the High Street (Tharp Arms and 47 High Street) and three on New Road (nos. 7, 41 and 45) were Grade II listed.

The site was in an area of just over 0.5 hectares of improved grass land, which was currently in use as paddock land. It was located south east of and immediately adjacent to the residential development of Scotland End. To the south west there were buildings on the High Street and a public footpath (No. 49/4) ran to the north east. The site was approximately a third of the wider paddock and it extended to the rear of dwellings on New Street to the south east.

It was noted that Councillor Julia Huffer had called the application in to Planning Committee on the grounds that there was considerable local concern regarding the proposed development.

A number of illustrations were displayed at the meeting, including a site location map, an aerial photograph, an indicative layout of the proposal, and photographs of the junction at the High Street with Scotland End.

The main considerations in the determination of this application were:

- Principle of development and 5 year supply;
- Visual impact;
- Residential amenity;
- Highway safety;
- Ecology and trees; and
- Drainage.

With regard to the principle of development, the scheme would not normally be considered acceptable in this location as the application site was outside the defined development envelope of Chippenham in the countryside. However, the Council could not currently demonstrate a 5 year supply of available housing land and in such a situation, the National Planning Policy Framework (NPPF) required that, notwithstanding Local Plan policy restrictions, applications for housing be approved unless the application of specific policies within the NPPF provided a clear reason for refusing the application or the adverse impacts of approving the application would significantly and demonstrably outweigh the benefits derived from the development.

The Planning Consultant stated that while the paddock was private land which was not publically accessible, it made a contribution to the character of the area and was visible in some public views, primarily from the

public footpath and less prominently in glimpsed views between some buildings on the High Street and New Street.

The loss of this part of the paddock would result in some harm to the visual amenity of the area as the paddock contributed to the character of the area on the edge of Chippenham, despite the site being surrounded by residential development on all sides.

It was not considered that the proposed development would impact on any wider landscape views and in public views would read as an extension to Scotland End. The development was therefore considered to result in some limited harm to the visual amenity of the area which was contrary to the local plan policies which addressed design and character.

Members had been provided with a letter on behalf of the owners of the remainder of the paddock stating that there was no commitment to retaining the remainder of the paddock as open. This was in response to the Officer's statement within paragraph 7.6.3 of his report that the limited harm caused was mitigated by the retention of the majority of the paddock as open land. The Planning Consultant said his statement was intended to reflect the existing and permitted situation that it would be open, rather than to provide any guarantee that it would remain so indefinitely. Any application for the development of that land would be assessed on its merits.

Layout, scale and design of the development was reserved. However it was considered that the indicative block plan demonstrated that up to 10 dwellings could be accommodated on site and it would be possible to provide adequate separation distance between the new and the existing dwellings to ensure that the new development did not adversely impact on the residential amenity of existing residents.

Members noted that the site would be accessed via two points on Scotland End which were existing cul de sacs. The Local Highways Authority (LHA) was content that the accesses were adequate and capable of servicing up to 10 dwellings. The Parish Council and local people had expressed significant concerns regarding the junction with Scotland End and the High Street. However the LHA had confirmed on several occasions that it was safe, had adequate visibility splays for the speed and type of the road and could accommodate in excess of the additional development proposed in the current application. It had explicitly stated that it could not substantiate a refusal of this outline on the basis of access and highway safety.

The LHA had noted that a turning head would be required at the end of the northern spur into the site, but this was a matter which would be addressed at the reserved matters stage. On that basis the proposed development was considered to be acceptable in terms of its impact on highway safety.

The site was improved grassland which currently functioned as paddock with limited trees and shrubs around the boundary. Trees at access points would be removed but this was not considered to cause harm to amenity and they could be replaced by condition. The Wildlife Trust was

content that the application would not cause harm to protected species; a scheme of enhanced biodiversity would be conditioned.

The site was located in Flood Zone 1 and infiltration testing had been carried out to demonstrate the drainage potential. No groundwater was encountered during testing and the Local Lead Flood Authority was content that the scheme could provide adequate drainage based on the final layout. However, shared swales would not be appropriate unless located in public areas.

In connection with other matters, it was noted that the applicant had agreed to provide 30% affordable housing, which was in line with the most up to date guidance. Land contamination and energy efficiency would be secured by condition and the layout for parking was not detailed at this stage, but it was considered that two spaces per dwelling could be accommodated. It was considered that the development would have a neutral impact on the Conservation Area and listed buildings.

The Planning Consultant concluded his presentation by saying that the adverse impact of harm caused to the visual amenity of the area would not significantly and demonstrably outweigh the benefits of the scheme. In the absence of a 5 year supply of land for housing, the scheme should be approved on the tilted balance.

At the invitation of the Chairman, Mrs Helen Palmer addressed the Committee and made the following points:

- Paragraph 2.1 of the Officer's report said outline permission was sought for up to 10 dwellings;
- Paragraph 7.2.1 stated that the development would not normally be considered acceptable in principle in this location;
- Policy GROWTH 2 said that only affordable housing should be allowed outside of defined development envelopes where those schemes had no significant adverse impact on the character of the countryside or other Local Plan Policies;
- The application did not accord with Policy HOU 3;
- Chippenham did not have a good range of facilities or services;
- Between 2013 and 2031, 3 dwellings were required in Chippenham and yet 8 had been built since 2014;
- This application was not infill, it was classed as a major development;
- The proposal was considered to conflict with Policies ENV1, ENV2 and GROWTH2;
- She believed the affordable housing had been added to the application at a late stage to push it through.

Councillor Brown was aware of the pub in the village but asked if it had a shop or post office; Mrs Palmer replied that it did not.

Councillor Schumann noted that Mrs Palmer's comments were linked to the Local Plan and he reminded her that in the absence of a 5 year supply of housing land, the housing policies in the Plan could not be given weight. Members were not happy about this position, but it was national policy. The Council had been challenged before on this and lost and therefore any decision taken was in that context.

Councillor C Ambrose Smith asked whether Mrs Palmer would prefer, or not, to have social housing on the site. Mrs Palmer replied that it was not about the affordable housing; it had not been mentioned until the end of the Officer's report, as thought it had been 'shoe-horned' in and residents were unhappy about this.

At the invitation of the Chairman, Mr Keith Lomas addressed the Committee and made the following comments:

- He was Chairman of In Spe Spero. The Company comprised the four families who owned the remaining $\frac{2}{3}$ of the paddock;
- He had only seen the planning report when it was made public and he had copied the applicant and the Parish Council in to the letter that had been referred to earlier;
- He wished to clarify that he had never said the remaining paddock would not be developed.

The Chairman reiterated that the Committee would only consider the facts before them today and would not surmise on what might happen in the years to come.

Councillor Jones asked if it was intended to develop the remainder of the paddock and Mr Lomas said it would be given consideration.

At the invitation of the Chairman, Councillor Fiona Maxwell addressed the Committee on behalf of Chippenham Parish Council and made the following points:

- The Parish Council objected to this application;
- The LHA was not always right and the junction at Scotland End to the High Street was very busy;
- If this application was approved, it would increase the traffic at peak times;
- Permission had previously been refused by the Planning Inspector for two houses, so it would be counterintuitive to grant permission for ten;
- There were large developments in neighbouring villages, with resulting congestion;

- There was a high volume of HGV and LGV traffic;
- Vehicles did not observe the speed limit, with some having been recorded coming through the village at 70 mph. At peak times there were some 750 vehicles per day breaking the speed limit;
- The development would result in the loss of green space, the heart and lungs and an important part of the character of the village. Chippenham wanted to retain its open space and character and the proposed buildings would change its rural quality of life;
- The development would have a significant impact on the village but a very small effect on the District's housing supply.

Councillor Brown asked how many houses there were in Chippenham; Councillor Maxwell confirmed about 250 houses.

Councillor C Ambrose Smith noted Councillor Maxwell's reference to the lack of amenities and felt there was an implication that the village was absolutely remote; she said that in this day and age groceries could be delivered.

Councillor Jones wished to know when the traffic data was collected but Councillor Maxwell said she would have to find out.

Councillor Trapp asked if any measures had been taken to reduce the 'rat run' and whether the Parish Council had thought about preventative measures. Councillor Maxwell said that the LHA would not acknowledge that there was a problem and the Parish Council had found traffic calming to be unaffordable. The Chairman suggested that the LHA Improvement Grant could be considered, but Councillor Maxwell said that the Parish Council was aware of it.

It was noted that Councillor Julia Huffer, a Ward Member for Fordham & Isleham, was unable to attend the meeting, but had sent comments. With the permission of the Chairman, the Democratic Services Officer read out the following prepared statement:

'Good afternoon Chair and members of the Committee. Once again I find myself coming to the defence of a small village in my Ward with virtually no infrastructure to support yet more development with no shop or school, only a Public House to serve the community.

This development, as you will have seen for yourself, would occupy the green lung of this village, putting houses here will destroy the green space at the heart of the community forever.

Access would be through Scotland End, a quiet residential close that would have to suffer all the construction traffic and the subsequent additional residential traffic of potentially 40 – 60 car movements a day ruining the quiet enjoyment of the current residents' properties. Exiting Scotland End can be challenging at any time with traffic entering the village from Fordham and Isleham often well in excess of the 30 mph that it should be doing, as the

traffic camera located on the High Street has demonstrated. I believe one vehicle was recorded travelling in excess of 80 mph. This is the exception I understand, but it is a fact the cars and lorries use this village as a short cut through to Newmarket and the A11.

Please hear the voices of the local community who understand that this development is simply in the wrong place and its approval would harm the fabric of this quiet community.'

In response to questions from the Chairman, the Planning Consultant confirmed that there would be a S106 Agreement in respect of the 30% affordable housing even if the scheme came in at 9 dwellings; a high quality comprehensive scheme to replace the removed trees would be expected.

Councillor Trapp commented that the location might be the green lung of the village, but there was green land all around the site. The Planning Consultant said it was all open agricultural land and he had reached his conclusion based on the level of harm.

Speaking of the LHA's comments, Councillor Schumann said that while there were no recorded accidents at the location, it did not mean there had not been any because they were dealt with as civil matters. The data from the speed camera proved that the junction was incredibly dangerous. Highways got things wrong and he had no faith in their ability to assess the risk. There was evidence that it was a 'rat run' and he thought this was not the right place for the development because people would be taking their lives in their hands each time they came out of the junction. As a local Member, he was not overplaying the danger and he believed the application should be refused on highway safety grounds.

Councillor Trapp asked where the 30mph sign started. Councillor Maxwell advised that it was close to the village between the B1104 and the B1085. This was also indicated by the Planning Consultant on the location plan.

Councillor Brown agreed with Councillor Schumann, adding that he did not like the set up and access through the estate. He too considered it was about highway safety and the number of cars coming out of the estate.

Councillor Wilson reminded Members that they had to rely on the LHA, and if they said there was no problem, then the Council could not object on highways grounds and an Inspector was likely to agree. Unless they had some extremely important information, they had to accept the LHA's comments, and besides which, people broke the speed limit everywhere. He was therefore minded to accept the Officer's recommendation.

Councillor Downey concurred generally with Councillor Wilson's comments, saying that if a problem existed, it needed to be sorted. He thought Members should go back to the core of the argument, namely 10 more houses with 3 more affordable dwellings that would help the community. The paddock was surrounded by residential properties and he would support the recommendation for approval.

Councillor Stubbs said she had listened to the Parish Council and she had also quizzed the Case Officer regarding the highways report. She was reassured that the LHA had done a very thorough job.

Councillor Jones noted that there was a general consensus that traffic posed a problem and the Planning Manager reminded him that the developer could not be held responsible for the existing problem. The Planning Consultant interjected to say that the County Council had been provided with the data from the speed survey and had examined it. They looked at the 85th percentile speeds and had concluded that the visibility at the junction was sufficient and the application should not be refused.

Councillor Austen wished to know if the County Council Officers had come out to look at the junction or just reviewed the survey data. The Planning Consultant replied that he did not want to mislead anyone, but he thought they may have gone out although he could not guarantee that.

Councillor Jones commented that it was a natural infill point that would not affect visual amenity and the housing provision outweighed any harm.

It was duly proposed by Councillor Schumann that the Officer's recommendation for approval be rejected and that the application be refused for highway safety grounds on the information provided.

The motion was seconded by Councillor Austen, and when put to the vote, it was declared lost, there being 3 votes for and 8 votes against.

It was proposed by the Chairman and seconded by Councillor Wilson that the Officer's recommendation for approval be supported.

When put to the vote, the motion was declared carried, there being 8 votes for, 2 votes against and 1 abstention. Whereupon,

It was resolved:

That planning application reference 19/00331/OUM be APPROVED subject to the signing of the S106 Agreement and recommended conditions as set out in the Officer's report with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission.

90. 19/01054/RMM – LAND REAR OF 98 TO 118 MILDENHALL ROAD, FORDHAM

Barbara Greengrass, Planning Team Leader, presented a report (reference U159, previously circulated) which was a reserved matters application following the grant of outline planning permission on appeal, for the erection of up to 100 dwellings, with public open space, landscaping and SuDs with access determined. This application considered the remaining reserved matters of appearance, landscaping, layout and scale, and proposed 100 houses with public open space, landscaped buffer and attenuation basin.

The site was located outside the development boundary of Fordham on the southern edge of the village, bounded by residential development to the east and north and by two business premises to the north and west. The site itself was open agricultural land and was bounded along its southern boundary by a length of fragmented hedgerow. It was visible from Mildenhall Road where a large gap in the frontage development would form the new site access.

It was noted that in accordance with the Constitution, the application was brought to Committee at the request of the Chairman, as the outline application was determined by Planning Committee.

A number of illustrations were displayed at the meeting, including a map, aerial view, the layout of the proposal, elevations and a table regarding the housing mix.

The main considerations in the determination of this application were:

- Visual impact and layout;
- Housing mix and density;
- Public open space;
- Access and parking;
- Noise and residential amenity; and
- Foul and surface water drainage.

The visual impact of developing the site was accepted in principle at the outline stage. In allowing the appeal, the Inspector accepted that the proposal to develop the site for up to 100 houses would result in no more than a slight adverse impact on the users of the Public Right of Way to the south when the proposed landscaping matured.

The landscaped buffer would be retained and noise attenuation measures put in place to alleviate the noise emanating from the adjoining engineering and haulage businesses. A landscaped strip would also be provided along the western boundary to provide a soft edge and screening to the 3 metre high acoustic fencing and the site entrance would provide a soft landscaped entrance feature.

The overall scale, massing, height, site coverage and detailing of the built form proposed had been carefully considered so as to respond positively to the constraints of the site, whilst minimising the impacts on existing amenities of the neighbouring properties and complying with the Design Guide SPD.

Members were reminded that the density of the proposed scheme had been accepted within the outline application in approving up to 100 houses. The Planning Team Leader drew the Committee's attention to the table which set out details of the housing mix, saying that the affordable units would be

sited as groups to the west, north and east of the site. The mix of market dwellings was considered acceptable and was in accord with Policies HOU1, HOU 2 of the Local Plan and Policy 2 of the Neighbourhood Plan, as it respected the local area.

With regard to Policy HOU 2, the requirement to provide for self-build plots on developments of 100 dwellings or more was not secured within the Unilateral Agreement accompanying the appellant's case and therefore this could not be secured as part of this reserved matters application.

It was noted that there would be 1.5 hectares (3.7 acres) of public open space on the site, excluding the focal entrance point and the wet basin area. These areas would be landscaped using native shrubs, hedgerows and wildflower mix and the long term maintenance would be secured by the S106 Agreement. The landscaped buffer along the southern boundary would have dense foliage to provide a robust buffer strip. Discussions had taken place about the long term management of the areas, and in accordance with the S106, they would be offered to the Council for adoption.

It was considered that the planting scheme would deliver an enhancement in biodiversity value and be of benefit for a range of faunal species. New habitat creation was proposed within the public open space, attenuation basin and site boundaries and there would be improvements to ecological connectivity.

The access to the site had already been agreed within the outline planning permission. The County Highways Authority was satisfied with the internal layout and that the roads would be built to an adoptable standard; all properties met the wheeled bin drag distances to roadside collection points.

The car parking arrangements included 25 visitor spaces in appropriate places across the site. 25 plots would rely on tandem parking, although some properties would have more than two spaces allocated, including garage space. Highways was satisfied that the layout demonstrated a safe and accessible environment and the proposal also provided for a network of routes for pedestrians and cyclists.

Turning next to residential amenity, the Planning Team Leader said that some level of overlooking could not be completely avoided and the rear garden depths of the new dwellings would be at least 10 metres to the rear boundary. The garden sizes and distances between houses accorded with the Design Guide SPD.

A Noise Assessment and mitigation scheme had been submitted and the Environmental Health Officer had advised that acceptable internal and external noise levels could be achieved with the proposed layout and allowing for windows to be open. The applicant, through the clever use of layout and internal arrangements, had successfully demonstrated that noise sensitive rooms were safeguarded.

Foul water drainage would be to the public sewer with the provision of a pumping station on site, adjoining the attenuation basin to the south east corner of the site. From there flows would be pumped north to the existing

sewer. Anglian Water had advised that the impact on the foul sewage network was acceptable.

Where ground conditions allowed, the sustainable system would manage flows of surface water through infiltration; it included areas of permeable paving, an infiltration trench and infiltration basin. Surface water from roads would be collected by a piped network under the roads and adopted by Anglian Water. The scheme accorded with Policy ENV8 and the Flood & Water SPD.

The Planning Team Leader concluded her presentation by saying it was considered that the benefits of the proposal outweighed any adverse impacts and the application was therefore recommended for approval.

At this point the Chairman reminded Members that the outline application had been dealt with by Committee. He had called in this one because it was a significant application and he believed it would benefit from being considered by the Planning Committee.

At the invitation of the Chairman, Mr Jonathan Dixon, agent, addressed the Committee and made the following points:

- This application was for the approval of reserved matters, the principle of development on the site already having been approved;
- He appreciated that the Committee had refused the outline application and permission was granted at appeal, but he wished to emphasise that neither he nor Bellway were involved in that process;
- Matters to do with traffic and off-site impacts were addressed during the previous application and appeal;
- Bellway Homes had worked tirelessly with all stakeholders to ensure it would be a high quality development that met or exceeded the requirements of planning policy and the planning permission;
- Bellway were new to the area and were fully focused on building positive relationships and quality homes for the local community;
- They had met with the Parish Council and local residents and had engaged with statutory consultees. This effort was reflected in the lack of unresolved objections to the proposal;
- The Parish Council did not object to the design of the proposal but it had commented on two points – access to the site, and drainage. The County Council were not agreeable to Bellway's efforts to try and 'improve' the access and the access had been approved at outline stage. In respect of drainage, they had bent over backwards to accommodate all of the LLFA's comments;
- No comments were submitted by the Ward Members and only two responses were received from neighbouring properties;

- The housing mix had been amended following comments from ECDC's Housing Officer, who now supported the proposal;
- Extra car parking spaces had been added to improve on the minimum requirements;
- Bellway had worked tirelessly to ensure that this would be a high quality development and looked forward to being able to deliver these much need homes.

Councillor Jones asked if there were plans to include crossings to the scheme and the Planning Manager reminded him that the S106 Agreement had been signed at the outline stage, so it could not be done.

Councillor David Ambrose Smith enquired whether the Authority had a minimum square meterage per property; the Planning Manager replied that nothing was set in policy or SPD's.

The Chairman queried the maintenance costs and was advised by the Planning Manager that these had all been secured as part of the outline and the S106 Agreement.

Councillor Trapp queried where the electric vehicle charging points were going and the Case Officer advised that Condition 6 required a scheme/details to be submitted.

Councillor Schumann felt that full credit should be given to Bellway for finding a way to develop the site. He did not like the acoustic fencing, but it was policy compliant and there was no reason to refuse the application.

Councillor Brown did not think there was enough parking but he was reminded that the proposed provision was compliant.

It was proposed by Councillor Schumann and seconded by Councillor Brown that the Officer's recommendation for approval be supported, and when put to the vote,

It was resolved unanimously:

That planning application 19/01054/RMM be APPROVED subject to the recommended conditions as set out in the Officer's report.

91. 19/01690/FUL – 4 PRIORY GARDENS, ISLEHAM, CB7 5ZB

Gemma Driver, Planning Officer, presented a report (reference U160, previously circulated) which sought consent to insert three roof lights to the front elevation of the roof slope of No. 4 Priory gardens.

One roof light, serving the bathroom, had already been installed, therefore the application was part retrospective. The application was required because permitted development rights were removed under Condition 12 of application reference 99/00323/FUL.

The Update Document stated:

- Updated Proposal – Addition of roof lights (front elevation) to Attic level (**part retrospective**);
- A site notice was also displayed near the site on 17th December 2019 in addition to the neighbour consultation letters that were sent.

The application site was a detached dwelling located in Isleham, within the development envelope and in a residential area. The dwelling was located down a private road accessed from West Street and the access to the site was within the Conservation Area, although the dwelling itself was not.

It was noted that the application had been called in to Planning Committee by Councillor Julia Huffer as it had attracted a lot of local concern.

A number of illustrations were displayed at the meeting, including a map, aerial view, elevations and photographs relating to residential and visual amenity.

The main considerations in the determination of the application were:

- Visual Amenity; and
- Residential Amenity.

Speaking of the planning history, the Planning Officer said a full application for the erection of 5 dwellings was approved under application 99/00323/FUL. Condition 12 of that permission removed permitted development rights to add any additional windows, doors or openings of any kind in any elevation at ground and upper floor levels without the consent from the Local Planning Authority. The condition was imposed in order to safeguard the reasonable residential amenities of adjoining properties and therefore, a planning application was required for the installation of the roof lights and were subject to this part-retrospective application.

With regard to residential amenity, it was noted that the occupiers of neighbouring dwellings had raised concerns regarding the proposed roof lights providing a line of sight into bedrooms. However, as they would be looking out onto the front elevation of neighbouring dwellings, it was considered that they would not be overlooking into private amenity space.

It was considered that views from the first floor windows already provided a clearer line of sight towards neighbouring dwellings than from the existing roof light that was included as part of the proposal. Due to the existing presence of windows on this elevation, together with the separation distances as detailed in the Officer's report, it was considered that the proposal would not result in an increased level of overlooking.

The agent had confirmed that the cill height would be located 1.5 metres above the floor level. This was not considered to be unreasonable and

would not enhance the views to neighbouring dwellings any more so than the existing windows at first floor level.

Whilst it was acknowledged that the proposal would create a slight change to the existing appearance of the dwelling within the street scene, it was considered that the proposed roof lights would not significantly alter the external appearance of the dwelling to warrant refusal of the application on this basis.

Concerns had been raised during the neighbour consultation regarding the visual impact of the proposal. The concerns included that the proposed roof lights would substantially detract from the visual appeal of Priory Gardens, and if granted permission, the proposal could set a precedence which would lead to an unsightly deformation of the existing elegance of the Gardens. Concerns had also been raised about the proposal detracting from the desirability of Priory Gardens and how it may affect the future sale prices of properties. Members were reminded that each planning application was assessed on its own merits; property value was not a material planning consideration and therefore could not be considered in the determination of this application.

The Planning Officer concluded her presentation by saying that on balance, the proposal was considered to be compliant with the relevant local and national policies. It was not considered to create significantly harmful impacts to the private amenity of neighbouring dwellings or the visual amenity and character and appearance of the area. The application was therefore recommended for approval.

At the invitation of the Chairman, Dr Chris Corbin and Mr Robert Wade each addressed the Committee and made the following comments:

Dr Corbin (reading from a prepared statement):

'I am Dr Chris Corbin and I live at No. 5 Priory Gardens, the property on the right-hand side of the close and adjacent to No. 4.

In 1999, the Planning Committee recognised the sensitivity of the appearance of the proposed development in Priory Gardens and laid down a number of conditions in granting their permission. I particularly applaud their foresight in requiring, among other things, that planning consent be obtained for any additional windows, doors or openings of any kind at ground and upper floor levels of the approved development, in order to safeguard the reasonable residential amenities of adjoining properties.

We relied on that reassurance when we decided to buy a house in Priory Gardens.

The approved design of the houses at Priory Gardens respected its location partly within and adjacent to the Conservation Area. Their appearance was to be sympathetic to the local architecture and the care taken extended, rather remarkably, to ensuring that no garage door was visible from the front of the houses.

We consider ourselves fortunate that Priory gardens remains an attractive place to live and feel that that same attention to detail continues to be important if this is to be preserved.

No. 4 Priory Gardens is prominent, since it faces the entrance to the close and is at a slightly higher elevation than the houses on the left-hand side. The left-hand side of the roof is particularly visible.

I feel that Velux roof lights on the front elevation of the roof of any house in Priory Gardens would detract from the uniform appearance of the original clay-tiled rooves. I also fear that if this was permitted for one house, it would be hard to deny it for another.

Furthermore, I am conscious of being overlooked from roof level by the bathroom window that has already been made in the roof of No. 4. This application includes a pair of roof lights that together represent quite a large window in the left hand side of the roof and further detriment to my privacy and that of the other residents, not only of Priory Gardens but also the area beyond.

I am most grateful to the Planning Committee for listening to my concerns.'

Mr Wade:

- He had lived at No. 1 Priory Gardens since August 2000 and had chosen it because it was a particularly unusual attractive modern development;
- It was spacious and well designed with roof lines and garage doors to the rear;
- The planning conditions had been applied as a safeguard;
- His particular objection was that No. 4 was the 'show face' of Priory Gardens and the size of the proposed windows would spoil its appearance, feel and character;
- The windows would provide a line of sight to the rooms on the east of his property;
- Granting permission would set a precedent;
- The Velux had been fitted ahead of the application and was not to drawing. It looked unbalanced and the windows were much larger;
- The application should be refused and the views of the Parish Council upheld.

Councillor Jones said he struggled to find a significant difference between the view out the existing first floor window in that elevation and asked

Mr Wade why he felt the extra elevation was an extra intrusion. The latter replied that it gave a better view and made it easier to see into his bedroom and he could see into theirs. He would have to be careful what he did and he did not want that. Dr Corbin added that there would be a sense of being looked down upon.

Councillor C Ambrose Smith asked if Mr Wade's mind would be settled if obscured glass was to be fitted. Mr Wade replied that the window would be opening and occupiers could still look out.

Dr Corbin said he had worked out the scale of the other drawings that had been submitted and had concluded that the cill height would be no higher than 1.2 metres from the floor; it was the outside appearance that was the more objectionable. When asked by Councillor Jones if he would be happy to maintain the existing window and reject the others, Dr Corbin said he was living in a slight climate of 'what's coming next.'

Councillor Downey asked the Planning Officer if she had anything to say to the residents that the proposal was damaging to visual amenity. She replied it would change the appearance but it was not considered significant enough to warrant refusal.

Councillor Stubbs noted that the permitted development rights had been removed and she wondered if the Committee would be so disapproving had they not. The Planning Manager stated that in that case, the work could have been done without coming to the Authority.

Councillor Wilson suggested that the windows could be obscure glazed and non-opening so as to provide additional light for the room. However, Angela Briggs, Planning Team Leader, said that she had discussed this with the Case Officer and they had concluded that obscured glazing was not necessary as the outlook would not be significantly more than from the first floor existing windows.

Councillor Jones asked if there had been any discussion regarding putting the windows on the same side as the dormer and the Chairman reiterated that Members could only consider what was in front of them today. Reading from Appendix 1 (Planning Inspector's Decision Notice), he said '*... no additional windows, doors or openings of any kind shall be formed in any elevation(s) at ground and upper floor levels of the approved development without the permission of the Local planning Authority.*'

Councillor Schumann said that when looking at the pictures of the development which had been circulated during the meeting, he could not see that the proposal would cause any more overlooking, and he duly proposed that the Officer's recommendation for approval be supported. The motion was seconded by Councillor D Ambrose Smith.

Councillor Trapp found the proposal to be intrusive and said he would oppose approval on the grounds of visual amenity and affecting the character of the area.

Councillor Downey disagreed, adding that coming in on the bus for the site visit, he could not tell which house Members were supposed to be looking at. Councillor C Ambrose Smith concurred and said she was shocked to see the application included on the agenda.

The Committee returned to the motion for approval, which when put to the vote was declared carried, there being 8 votes for and 3 votes against.

It was resolved:

That planning application 19/01690/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

92. PLANNING PERFORMANCE REPORT – DECEMBER 2019

The Planning Manager presented a report (reference U162, previously circulated) which summarised the planning performance figures for December 2019.

It was noted that the Department had received a total of 147 applications during December 2019, which was an 11% decrease on December 2018 (166) and a 20% decrease from November 2019 (184).

The Planning Manager said there had been 1 valid appeal received, and 3 appeals had been determined, all having been dismissed, with 1 appeal turned away by the Planning Inspectorate as it was received outside the time limit.

With regard to enforcement, Members noted that Taylor & Sons of Littleport had appealed against their Enforcement Notice, and the Authority would defend this at appeal.

It was resolved:

That the Planning Performance Report for December 2019 be noted.

93. PLANNING CUSTOMER SATISFACTION SURVEY – 6 MONTH FEEDBACK

The Planning Manager presented a report (U162, previously circulated) which provided an overview of the responses received to the Planning Customer Satisfaction Survey carried between August and December 2019.

1911 questionnaires were emailed within this period to agents, applicants and members of the public and 183 responses were received, equating to a 9.5% response rate.

The report set out the positive and negative feedback received and the Planning Manager said the adverse comments would be discussed at team meetings in order to find ways to improve the service.

Councillor Brown asked that training for Members be pushed a bit more and offered to all. He also raised the issue of correct people being consulted on applications; the Planning Manager said that Officers should be double checking and asked that Members let them know the application references so that this could be rectified.

Councillor Schumann left the Chamber at 4.15pm.

Councillor Stubbs wished to know how Members could officially feedback comments regarding their views on Highways. The Planning Manager replied that it was difficult, as she did not have management control over them. She had emailed Geoff Ellwood and pushed matters as far as she could; all she could suggest was that Members go to their County Council colleagues or contact the Highways team direct.

Councillor Trapp referred to the section regarding how people found out about applications, and said that in many cases it was via the community rather than site notices or letters. The Planning Manager advised that the department directly notified people, as well as posting site notices and adverts in the Cambridge News. However, it was not feasible to do a blanket consultation.

Councillor Wilson thought that training for Parish Councillors should be considered. He was informed that the Planning Manager and the Planning Team Leaders had put out that they were happy to attend Parish Council meetings, and indeed, still did so. Lewis Bage, Communities & Partnerships Manager was in the process of organising a Parish Forum and the Planning team would have a table at that event. The parishes were being encouraged to attend, or if they wished, they could arrange a special meeting for Officers to attend.

Councillor Trapp said that in his Ward, an article about the planning process had been included in the Parish magazine. Councillor Jones thought it might be of benefit to have a 'cheat sheet' and the Planning Manager responded that a list of all the policies in the Local Plan was sent out to the parishes. She would forward it to all Members so it could be attached to parish and Member's newsletters.

There being no further comments,

It was resolved:

That the 6 month feedback from the Planning Customer Satisfaction Survey be noted.

The meeting closed at 4.27pm.

MAIN CASE

Reference No: 19/00146/OUM

Proposal: Residential development for up to 19 dwellings

Site Address: Site South East Of 34 - 36 Chapel Lane Wicken
Cambridgeshire

Applicant: Mr R Wilson, K Arrowsmith and J Magri

Case Officer: Catherine Looper, Senior Planning Officer

Parish: Wicken

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

Date Received: 23 January 2019 **Expiry Date:** 21st April 2020

[U204]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to approve the application subject to the signing of the S106 Agreement and the following draft conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.
- 1.2 The S106 agreement will secure the following;
- 30% affordable housing and the appropriate tenure mix.
 - Education contributions as set out by Cambridgeshire County Council.
 - Contribution for wheeled bins.
- 1.3 The following summarised conditions are recommended and can be read in full in Appendix 1:
1. Approved Plans
 2. Time Limit- Reserved Matters
 3. Time Limit- Commencement
 4. Contamination Investigation
 5. Archaeological Investigation
 6. Surface Water Drainage
 7. Foul Water Drainage
 8. CEMP

- 9. Piling Foundations
- 10. Energy & Sustainability Strategy
- 11. Arboricultural Impact Assessment
- 12. Fire Hydrants
- 13. Construction Times
- 14. Unexpected Contamination
- 15. No Pruning/Felling
- 16. Biodiversity Improvements

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline consent for up to 19 dwellings. All matters are reserved at outline stage and would be considered at the time that a reserved matters application is submitted. The application seeks to establish whether the principle of introducing up to 19 dwellings on the site is acceptable, and therefore all plans showing any details of access, layout, scale, appearance or landscaping must be taken as indicative.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application has been called into Planning Committee by Councillor Ross due to the size of the application.

3.0 PLANNING HISTORY

- 3.1 The adjacent site has been recently granted consent for the construction of seven dwellings:

16/00024/OUT	Demolition of existing outbuildings and construction of 5 No detached and 2 No semi-detached houses with associated access road.	Approved	12.09.2016
19/01033/RMA	Approval of the details for reserved matters for Landscaping of planning application 16/00024/OUT and condition 4 (Energy and Sustainability Strategy) of that permission.	Approved	03.02.2020
16/01492/OUT	The erection of up to 8 dwellings with parking, garages and associated works.	Approved	05.05.2017

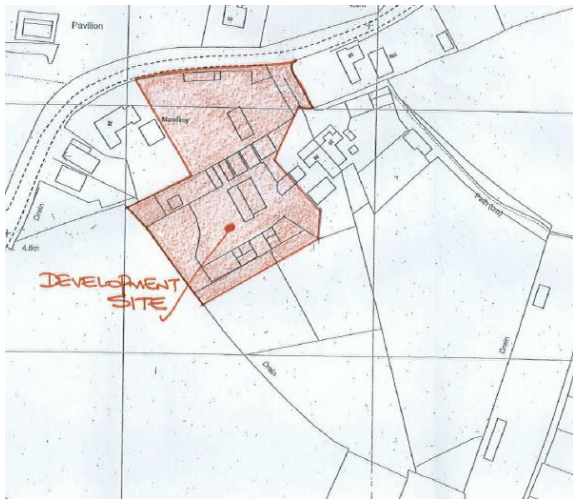


Figure 1. Location of adjacent site 16/01492/OUT.



Figure 2. Location of adjacent site 19/01033/RMA.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 Wicken is a small village which is linear in nature with limited development away from the main through-route. The exception to this linear character is the development along Chapel Lane and Drury Lane which extends away from the High Street and Stretham Road. The site subject to this planning application is located between Chapel Lane and Drury Lane. The site is mainly grassed paddock land. There is an existing tree belt to the north and east of the site.

5.0 RESPONSES FROM CONSULTEES

5.1 28 neighbours have been notified of the application in writing. A site notice was also posted on 11th February 2019. An advert was placed in the Cambridge Evening News on 14th February 2019. Twelve responses were received from five properties raising the following summarised concerns:

- Chapel Lane is too narrow for the volume of traffic.
- Wicken is a small village.
- There are no schools or shops in Wicken.
- Highway safety issues from increased traffic.
- Access is close to the recreation ground and during matches there is a lot of on-street parking.
- Overcrowded development.
- Concerns regarding overlooking to neighbouring occupiers.
- Concerns regarding the connection to services such as water, sewerage, electricity and internet.
- Issues around drainage and flooding in the area.
- Ditches in the area overflow during heavy rainfall.
- Impact on traffic using the A142 and A10 commuter routes.
- Loss of views.
- Impact on the character of Wicken.
- Currently no housing estates in Wicken.
- Site is outside development envelope.

- Ditches adjacent to 38 Chapel Lane overflow and flood the property during heavy rainfall.
- Drainage pipework under the road has collapsed.
- Road surfaces are already damaged.
- Concerns regarding effectiveness of tree belt in screening the development.
- Ditches in the area have been infilled.

5.2 The following consultees have provided comments and these are summarised below. The full responses are available on the Council's web site.

Ward Councillor- Hamish Ross- 8 February 2019

This is a substantial development, especially for a village the size of Wicken. I would hope, and I am sure this is the case, that this application has been called in to be thoroughly discussed and reviewed by the Planning Committee.

Cambridgeshire Archaeology - 26 November 2019

Our records indicate that the site lies in an area of high archaeological potential, situated to the north of the medieval core of Wicken. Archaeological investigations to the immediate west of the application area identified linears dating to the 13th/14th centuries (Historic Environment Record ECB5406), while archaeological investigations to the south have revealed evidence of medieval occupation (ECB4031). The fields to the south of the Back Lane properties demonstrate prehistoric occupation, in the form of field scatters and find spots of Neolithic and early Bronze Age flints and stone tools (for example, scrapers, cores, axe heads and arrowheads 07058, 07073, 07075), while an earlier, Mesolithic tranchet axe was found at the village green (07067).

In addition, later remains are evident in the scheduled monument of a medieval moated enclosure south of Chancel Farm (National Heritage List for England ref 1017845, HER ref DCB258). Although this is much displaced from the development area and its setting will not be affected by the proposed works, and some surviving late medieval historic fabric in the village's buildings. In addition, to the east is evidence of Roman settlement and occupation (07071, 07072, 07076).

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

Asset Information Definitive Map Team - 15 February 2019

Thank you for consulting us on the planning application above. Please note Public Footpaths No. 24 & No. 25 Wicken runs adjacent to the application site. To view the location of the footpaths 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 footpath, its legal alignment and width

which may differ from what is available on the ground. If you require a copy of the Definitive Map & Statement, this can be viewed at the County Council's offices in person or requested online for a fee at www.cambridgeshire.gov.uk/highwaysearches.

The footpath 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.

Local Highways Authority – 18 February 2019

The highways authority has no objections in principal to this application

I would note at this stage that this is an all matters reserved application and as such the access and indicative layout would not be approved at this stage. Therefore I have not recommended any conditions.

However the vehicle access with the highway as shown on drawing number 18:023-01 Rev - would be acceptable subjected to visibility splays of 2.4m x 43m in either direction.

Internal Drainage Board- 18 February 2019

No objections raised.

Access Group- 20 February 2019

We have no concerns with the outline plan.

We look forward to seeing the more detailed house plans etc.

Cambridgeshire Fire & Rescue- 21 February 2019

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.

Cambridgeshire County Council- 22 February 2019

See full consultation response for education contribution details.

Trees Officer- 11 March 2020

The submitted Arboricultural/Tree Impact Assessment does not fulfil the criteria for a British Standard report as the tree schedule is missing information such as branch spread, taken as a minimum at the four cardinal points, existing height above ground level of: 1) first significant branch and direction of growth (e.g. 2.4-N); 2) canopy. As copied below BS5837:2012 states that.

A schedule to the survey should list all the trees or groups of trees. The following information should be recorded:

- a) sequential reference number (to be recorded on the tree survey plan);
- b) species listed by common name, with a key provided to scientific names;
- c) height;
- d) stem diameter, measured in accordance with Annex C;

- e) branch spread, taken as a minimum at the four cardinal points, to derive an accurate representation of the crown (to be plotted on the tree survey plan);
- f) existing height above ground level of:
- 1) first significant branch and direction of growth (e.g. 2.4-N);
 - 2) canopy, to inform on ground clearance, crown/stem ratio and shading;
- g) life stage (e.g. young, semi-mature, early mature, mature, over-mature);
- h) general observations, particularly of structural and/or physiological condition (e.g. the presence of any decay and physical defect), and/or preliminary management recommendations;
- i) estimated remaining contribution, in years (<10, 10+, 20+, 40+);
- j) category U or A to C grading (see 4.5 and Tables 1 and 2), to be recorded on the tree survey plan. The tree survey for a site of this size should include an accurately measured topographical survey showing all relevant features BS5837:2012 states that this should include:
- a) spot levels at the base of trees and throughout the site at an interval appropriate to meet design requirements, recorded as a grid and interpolated as contours, ensuring that any abrupt changes, embankments, ditch inverts and retaining features are recorded;
 - b) the position of all trees within the site with a stem diameter of 75 mm or more (see Note), measured at 1.5 m above highest adjacent ground level; NOTE In the case of woodlands or substantial tree groups, only individual trees with stem diameters greater than 150 mm usually need be plotted.
 - c) the position of trees with an estimated stem diameter of 75 mm or more that overhang the site or are located beyond the site boundaries within a distance of up to 12 times their estimated stem diameter;
 - d) for individual trees, the crown spread taken at four cardinal points; for woodlands or substantial tree groups, the overall extent of the canopy;
 - e) the extent, basal ground levels and height of shrub masses, hedges, hedgerows and stumps;
 - f) other relevant landscape features and artefacts, such as streams, buildings and other structures, boundary features and means of enclosure, trenching scars near to trees, and overhead and underground utility apparatus, including drainage runs with manholes and invert levels.

There should also be a Soil assessment which should be undertaken by a competent person to inform any decisions relating to:

- the root protection area (RPA);
- tree protection;
- new planting design; and
- foundation design to take account of retained, removed and new trees.

4.3.2 The assessment should determine whether the soil is shrinkable. If it is, trees and other vegetation have the potential to cause indirect damage to structures (see Annex A). In such cases, desiccation assessments should be carried out at a

specialist laboratory to check the extent to which existing vegetation has dehydrated the soil.

4.3.3 Soil structure, composition and pH should be included in the assessment for the purpose of designing new planting and landscape proposals.

The submitted Landscape strategy lacks some of the details I would expect such as a plan with the locations and direction the photographs were taken from, the views into the site are also usually marked on a plan before being described within the document. Due to the brevity of the information contained in the document its conclusion regarding the impact of the proposal lacks substance to support its claims. The Guidelines for Landscape and Visual Impact Assessment 3rd Edition GLVIA3 Landscape states professionals should assess the nature of a landscape or visual receptor's sensitivity by combining judgements about its susceptibility to change arising from the specific proposal with judgements about the value attached to the receptor. When considering the nature of a predicted effect its magnitude should be determined by combining judgements about matters such as the size and scale of the change, the extent of the area over which it occurs, whether it is reversible or irreversible and whether it is short or long term in duration. The submitted document fails to convey suitable assessment of these criteria.

Trees Officer- 30 January 2020

In my previous comments dated 22/2/2019 I requested an Arboricultural Method Statement (AMS), Arboricultural Impact Assessment and a Landscape impact assessment, an Arboricultural impact assessment (AIA) is all that has been submitted and it is inadequate for the assessment of the trees on site as it lacks detail.

The AIA should 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.

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.). Due to the sites location and its scale a landscape impact assessment is required this should provide an assessment of the landscape and the visual effects of the proposed development. Describing the existing physical fabric of the study area, the diversity of landscape character and how the proposed development may affect landscape character. It should examine how the proposed development will appear

within the existing landscape and how it will affect the visual amenity of those living and working in the area, those visiting and those passing through.

The information mentioned above needs to be provided to allow suitable assessment of the application prior to determination.

Trees Officer- 22 February 2019

An Arboricultural Method Statement, Arboricultural Impact Assessment and a Landscape impact assessment will be required before I can comment on this application.

Ramblers Association- 1 March 2020

I am commenting on planning application 19/00146/OUM for residential development on a site SE of 34-36 Chapel Lane Wicken on behalf of the Cambridge Group of the Ramblers Association, a statutory consultee. I note that there are two public rights of way (footpaths) adjacent to the site and it is not clear from the location/site plan if either of these is affected by the proposed development. Should the application be approved we wish to make it clear that both footpaths must be retained at their registered widths and not encroached upon by any vegetation or permanent structure. It is also important that the footpaths remain open and available for use during construction.

Waste Strategy- 1 March 2019

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 8 to 15 would be required to present at the adopted highway adjacent units 7 & 16 which may lead to issues entering the private drive, also it is noted that units 9 to 13 are listed as Bungalow's which would most likely be aimed at the elderly or infirm, which would lead to issues with collections and as stated above this should be made clear to any prospective purchasers in advance.

ECDC may consider entering the private drive to collect provided the developer can show that the road is built to the correct standards and agree an indemnity for the Council.

Anglian Water- 7 March 2019

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.

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity for these flows.

Wicken Parish Council- 11 March 2020

The Parish Council object to the planning application. However, should it go ahead, we would like to know who will be responsible for the existing trees on the boundary. Clear ownership of the trees needs to be established.

The Parish Council feels that there is not enough screening to protect the new development and to lessen the impact of the character of the rural surrounding area.

Wicken Parish Council- 11 March 2020

The amendment does not answer the previous comments raised by the Parish Council concerning drainage.

Paragraph 5.5.3 states a flood risk of 1 in 100 years which has taken it back from the 1 in 1000 years stated in paragraph 3.3.

Paragraph 3.5 details the flow should a blockage occur. With local knowledge this will go into a drain which cannot cope and already regularly causes existing properties to flood.

The Parish Council has previously requested a site meeting with the case officer and MTC Engineering which has not yet taken place and again request a site meeting as we have major concerns as the proposed drainage system is inadequate.

The Parish Council are not content for the final determination to rest with the Planning Service and have requested that the application be 'called in' to committee.

Wicken Parish Council- 12 February 2020

Based on local knowledge, the description of the revised route for drainage does not make sense and we are concerned it will cause flooding in the recreation ground.

We request a site meeting with the Planning Officer and MTC Engineering to explain further and prove their theory.

The Parish Council are not content for the final determination to rest with the Planning Service and have requested that the application be 'called in' to committee.

Wicken Parish Council- 13 March 2019

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

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

If the answer is 'Yes' to either a or b please state your concerns and how they could be addressed. If you would like the application refused, please give your reason(s) below.

The application is outside the planning envelope for Wicken as per 2015 Local Plan.

We note that the report from the planning services on the 20th May 2019 states that the Strategic Housing Team 'supports the application in principle'. We would question how they can support this when they stated during the 2018 Local Plan that Wicken should not have any further development due to suffering so much speculative development.

There are a number of errors in the original planning analysis namely:

- Wicken has been categorised as a medium size village but Wicken is actually designated as a small village.
- Everyday provisions are not available from Wicken Fen and WF has confirmed that they have no intention of stocking everyday provisions.

The original application drawing of the site layout showed 22 two and three bedroom properties however the supplementary information detailing the number of proposed housing states 22 units with unknown number of bedrooms. This was misleading.

Wicken Parish Council- 13 March 2019

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

Can these concerns be addressed by;

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

If the answer is 'Yes' to either a or b please state your concerns and how they could be addressed. If you would like the application refused, please give your reason(s) below.

The application is outside the planning envelope for Wicken as per 2015 Local Plan.

There are a number of errors in the planning analysis namely:

- Wicken has been categorised as a medium size village but Wicken is actually designated as a small village.
- Everyday provisions are not available from Wicken Fen and WF has confirmed that they have no intention of stocking everyday provisions.

The application drawing of the site layout shows 22 two and three bedroom properties however the supplementary information detailing the number of proposed housing states 22 units with unknown number of bedrooms. This is misleading.

The Parish Council has serious concerns with the drainage for the site as number 38 Chapel Lane often floods after heavy rain due to the run off from the ditch behind that cannot cope. Fears are that this will be exacerbated with this development.

The existing tree belt shown on the map is made up of poplar trees which have a finite life of 30 to 50 years. We believe these trees to already be over 40 years old.

It is unsuitable due to the proximity of existing dwellings and those already granted planning permission but have not yet built.

Sustainability

The site does not meet sustainability criteria because:

- It conflicts with the aims of sustainable development, the need to minimize travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance of the private car as expected in local and national policy.

- A significant number of houses in this location, with no public transport provision does not promote sustainable public transport and will likely create issues with the local highway system on a micro (site access roads) and a macro (one over used road through the village generally) level. The NPPF, section 4, paragraph 29 states that "The transport system needs to be balanced in favor of sustainable transport modes giving people a real choice of how they travel." This development does not meet this criterion.

- There is no gas pipeline into Wicken, consequently most households utilize oil fired heating. Additional housing will necessitate increased traffic with deliveries by tankers on a road network that can't cope.

- Broadband. We have superfast broadband, but it comes into the village via a microwave connection with finite capacity. Any degradation of this service needs to be monitored and addressed to encourage homeworking and social interaction for the elderly and housebound.
- There is no bus service, or any other form of public transport and person movements must be undertaken by car, increasing the pollution of the environment.
- Impact on primary and secondary schools. Wicken already suffers with children from the village attending 5 different primary schools, as their allocated school of St Andrew's, Soham is frequently over-subscribed. This does not contribute to building a cohesive, diverse community nor to creating better lives under the terms of the NPPF.

Environmental

The site does not meet environmental requirements because:

- Wicken has always been classed as a conservation village and has been fiercely protected from development by East Cambs in the past. Limited development is acceptable, but this proposed site would create a negative impact on Wicken's Conservation Area and the nearby NT Fen.
- The proposed site is close to the well-established Recreation Ground, road safety is an issue in an area that is supposed to be a safe place for children. Our Recreation Ground is already well equipped and well used by local clubs and visiting teams, so developer contributions are not a priority for Wicken, nor a suitable mitigation for the materially detrimental impact of developments to which such contributions might be attached.
- It amounts to a visually intrusive form of development in this countryside location, such that it would cause significant demonstrable harm to the character and appearance of the countryside and the setting of the surrounding area. As such it is contrary to paragraphs 14, 17 and 56-68 of the NPPF.
- The proposal for development in Wicken is disproportionate to its current size, the amenities available and would be detrimental in the longer term to its rural setting, permanently changing the character of this long-established village.
- If village residents were faced with a straight choice of development on this scale and the possibility of a village shop, they have stated they would forego the shop which if it ever came may or may not stay. The developments once agreed would be here forever. This can only serve to destroy the essence of Wicken, without the prospect of material benefit, which is contrary to the principle of sustainable development.
- There is strong opposition to building on green field sites, this being one, due to the loss of open space and the openness of the village and the irreversible impact of such development, which contradicts several

(including, but not limited to, the principle of the re-use of brownfield sites) of the core planning principles in principles in paragraph 17 of the NPPF.

Large developments are not in keeping with the street scene or the ribbon layout of Wicken.

The development changes the character of the open area
The Parish Council therefore does not support the application and have requested that this be 'called in' to the planning committee.

Natural England- 5 April 2019

Advice note tailored for this type of development was sent through to the Planning Department. The advice note outlines the responsibilities of Local Authorities to have regard to conserving biodiversity as part of decision-making. The advice note outlines that the NPPF states that development which is likely to have an adverse impact on SSSIs should not normally be permitted. The advice note also sets out that Local Authorities have a duty to consider biodiversity, protected species, local sites and priority habitats and species, as well as ancient woodland. A number of other considerations have been raised such as protected landscapes, agricultural soils, recreational areas, rights of way and environmental enhancement. The full advice note can be read on public access.

Lead Local Flood Authority– 30 January 2020

We have reviewed the following documents:

- Flood Risk Assessment & Sustainable Drainage Strategy, MTC Engineering (Cambridge) Ltd, 2436 – FRA & DS – Rev B. Dated: February 2020.
- Parish Council Response, Wicken Parish Council. Dated: 12th February 2020.
- Site Survey & Drainage Route, MTC Engineering (Cambridge) Limited, 2436-04. Dated: 10/01/2020.
- MTC Response to LLFA, MTC Engineering (Cambridge) Ltd, MJB/2436. Dated: 4th March 2020.

Based on these, as Lead Local Flood Authority (LLFA) we can now 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 on private drives and parking areas and an under-drained swale. A flow control device will be used to restrict discharge rates to 0.9 l/s for all events up to and including a 1 in 100 year event plus a 40% allowance for climate change, before discharging into the existing watercourse directly adjacent to the site in the west.

The applicant has used Ordnance Survey Mapping to demonstrate that this watercourse connects into the wider network of land drains to the north-west, before ultimately discharging into the Twelve Foot Drain approximately 645 metres north of the site. Further details of this connections are provided in the MTC Response to the LLFA (ref: MJB/2436).

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse).

The site is located entirely within Flood Zone 1 and is at very low risk of surface water flooding.

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

Lead Local Flood Authority– 30 January 2020

We have reviewed the following documents:

- Flood Risk Assessment & Sustainable Drainage Strategy, MTC Engineering (Cambridge) Ltd, 2436 – FRA & DS – Rev B. Dated: February 2020.
- Parish Council Response, Wicken Parish Council. Dated: 12th February 2020.
- Site Survey & Drainage Route, MTC Engineering (Cambridge) Limited, 2436-04. Dated: 10/01/2020.

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

1. Further detail on proposed outfall required

It has been proposed to discharge into the existing watercourse that runs along the western boundary of the site. It has been stated that this watercourse joins into the wider network of land drains to the north-west, before ultimately discharging into the Twelve Foot Drain approximately 645 metres north of the site. However, Wicken Parish Council have objected to the application as they do not believe that this is an accurate representation of the watercourse route, based on local knowledge. The Parish Council have therefore requested a site meeting with the applicant to discuss the anticipated outfall of the ditch. Until further evidence is provided to confirm the outfall of the watercourse, we are unable to support the discharge of surface water into this watercourse.

Lead Local Flood Authority– 30 January 2020

We have reviewed the following documents:

- Flood Risk Assessment & Sustainable Drainage Strategy, MTC Engineering (Cambridge) Limited, 2436 – FRA & DS – Rev A. Dated: January 2020.
- Site Survey & Drainage Route, MTC Engineering (Cambridge) Limited, 2436-04. Dated: 10/01/2020.

- Formal Response to LLFA Objection, MTC Engineering (Cambridge) Limited, MJB/2436. Dated: 14th January 2020.

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

1. Risk of flow control blockage

The drainage strategy has now been amended so that discharge rates will be restricted to the QBAR rate of 0.9 l/s for all events up to and including a 1 in 100 year event plus a 40% allowance for climate change. In addition, surface water will now outfall into the existing watercourse that runs along the western boundary of the site, which joins the wider network of drains before ultimately discharges into the Twelve Foot Drain approximately 645 metres north of the site.

Whilst we appreciate that these amendments have been made to address our previous concerns, the diameter of the hydro-brake flow control will now be 52 mm and will be located downstream of an open swale feature, rather than downstream of permeable paving which was previously proposed. As a result, the flow control could be at risk of blockage by silt and debris not captured by the open swale. The hydro-brake should be positioned downstream of permeable paving or an under-drained swale to minimise its risk of blockage.

Lead Local Flood Authority– 2 December 2019

We have reviewed the following documents:

- Flood Risk Assessment & Sustainable Drainage Strategy, MTC Engineering (Cambridge) Ltd, 2436-FRA & DS. Dated: November 2019.

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

1. Inappropriate discharge rates

The applicant has currently proposed to restrict surface water discharge rates to 2 l/s for all events up to and including a 1 in 100 year rainfall event plus a 40% allowance for climate change. However, the 1 in 1 year runoff rate is 0.8 l/s. This means that, although betterment will be provided for the 1 in 30 year and 1 in 100 year rainfall events, the post-development discharge rate for the 1 in 1 year event will be increased by 1.2 l/s.

As outlined in paragraph 6.3.6 of the SPD, all new developments on greenfield land are required to discharge the runoff from impermeable areas at greenfield runoff rate, or less if locally agreed with an appropriate authority or as detailed within the local planning policies of District and City councils.

The applicant has not demonstrated that the peak discharge rate for all events up to and including the 1% Annual Exceedance Probability (AEP) critical storm event, including an appropriate allowance for climate change, will not exceed that of the existing site. This may increase the flood risk on site and in surrounding areas.

2. Further information on proposed outfall required

The applicant is proposing to discharge surface water from the site into an existing watercourse to the north of the site. However, no further information has been provided on this existing watercourse.

If the applicant is planning to discharge their site into an existing watercourse, the following information is required:

- Condition of watercourse (how well maintained is the watercourse)
- Capacity of the watercourse (the applicant must demonstrate that the watercourse has sufficient available capacity to cope with the influx of surface water from the site).
- Outfall of the watercourse (the applicant must identify a final outfall of the watercourse).

The area to the north of the site is managed by the Middle Fen & Mere Internal Drainage Board (IDB). If the watercourse the applicant is proposing to discharge into is connected to the IDB system, a principle agreement must be obtained from the IDB to discharge into their system at the proposed rate.

Informatives

Ordinary Watercourse 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).

IDB Consent

This site lies adjacent to the Middle Fen and Mere Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

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.

Lead Local Flood Authority– 9 April 2019

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

1. No Surface Water Strategy

Paragraph 163 of the National Planning Policy Framework requires planning applications to be supported by a site-specific flood risk assessment. Such an assessment should include a surface water strategy and must demonstrate that the proposed development incorporates sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate. The SuDS should:

- a) Take account of advice from the Lead Local Flood Authority;
- b) Have appropriate minimum operational standards;

- c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) Where possible, provide multifunctional benefits

As a flood risk assessment/surface water strategy containing the above information has not been submitted there is insufficient information in order for us to determine the impacts of the proposal.

In order to assist developers with the preparation of surface water strategies Cambridgeshire County Council has prepared a guidance document which is available to view here.

For an outline 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)

Strategic Housing Team- 21 November 2019

The Strategic Housing Team notes that there has been a reduction in the overall number of homes on site to nineteen, however the applicant has still not indicated their intention to deliver affordable housing on site in line with policy HOU3 of East Cambs Local Plan 2015.

I appreciate that this is an Outline application but unless we are confident we can secure affordable housing on site, the Strategic Housing Team is currently unable to support the above application as it does not accord with our policy to deliver affordable housing.

Strategic Housing Team- 20 May 2019

The Strategic Housing Team supports the above application in principle, as it should be able to meet Policy HOU 3 of East Cambridgeshire Local Plan to deliver 30% affordable housing on site. (up to 22 dwellings will secure up to 7 affordable dwellings)

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.

It is also recommended that the affordable dwellings are not clustered in parcels greater than 15 dwellings. This will help to create a balanced and mix community.

Environmental Health (Domestic)- 11 February 2019

Under section 6 of the Application Form the applicant has indicated 'yes' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. I therefore advise that contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, to be attached to any planning permission granted.

In addition, due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction and any demolition 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

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).

I note that Kitz Cattery is adjacent to the proposed site. If this application progresses past the outline stage I will need to visit the site to establish whether there are any potential noise impacts from the cattery which the applicant will need to take in to account.

Designing Out Crime Officer- 7 November 2019

I have reviewed the amended document in regards to the layout and happy to support the changes.

Designing Out Crime Officer- 13 February 2019

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. I consider this to be an area of low vulnerability to the risk of crime at present.

6.0 The Planning Policy Context

East Cambridgeshire Local Plan 2015

ENV1	Landscape and settlement character
ENV2	Design
ENV4	Energy Efficiency and renewable energy in construction
ENV7	Biodiversity and Geology
ENV8	Flood Risk
ENV9	Pollution
GROWTH 2	Locational Strategy
GROWTH 5	Presumption in favour of sustainable development
COM 7	Transport Impact

COM 8 Parking Provision
HOU 2 Housing density

Supplementary Planning Documents

East Cambridgeshire Design Guide
Developer Contributions and Planning Obligations
Flood and Water
Contaminated Land

National Planning Policy Framework 2019

2 Achieving sustainable development
5 Delivering a sufficient supply of homes
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

7.0 **PLANNING COMMENTS**

7.1 The main considerations in the determination of this application are the principle of development, residential amenity, visual impact, flood risk and drainage, ecology and trees.

7.2 **Principle of Development**

7.3 The Five Year Housing Land Supply report dated June 2019 has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local Plan (GROWTH 2) cannot be considered up-to-date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

7.4 The proposal would be beneficial to the local housing supply by providing up to 19 dwellings to the District's housing stock. In the short term, the proposal would be beneficial to the local economy through the construction stage and would create longer term benefits in terms of enhancing the vitality of Wicken. The site is located partly within or adjacent to the settlement boundary and in close proximity to the services and facilities on offer in Wicken. The site would be well linked to the remainder of the village and have good access to open spaces. The principle of development is therefore considered acceptable subject to compliance with all other material planning considerations that form part of the determination.

7.5 **Visual Impacts**

7.6 In terms of visual impact, Policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate

sympathetically to the surrounding area and each other. Under policy ENV1 of the Local Plan 2015 this application should ensure that it provides 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. 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. The NPPF indicates that development should be refused which fails to improve the character and quality of an area and the way it functions.

- 7.7 The Local Plan 2015 defines Wicken as a small village which is likely to continue to grow at a slow rate, with new housing being located on suitable infill sites. The site itself is located on paddock land which is encircled by Drury Lane and Chapel Lane. Drury Lane features dwellings to both sides of the road. Chapel Lane features dwellings on both sides of the road up to a certain point. Planning permission has already been granted for 7 dwellings to the front of the site, closer to Chapel Lane, and outline permission has also been granted for 8 dwellings to the north east of the site. The development on this site will therefore be enclosed by surrounding development. Views across the paddocks are possible from certain points along Chapel Lane, however the proposed development would be set back a significant distance from Chapel Lane and would therefore not appear highly dominant from the public domain. It is considered that appropriate boundary treatments to the south-west boundaries could be secured at a reserved matters stage to retain a more rural and natural perimeter to the site. To the east and north of the site there is an established tree belt which limits views of the site. Dwellings to the east further restrict views of the site from this direction. The south-east corner of the site could be appropriately landscaped from where the tree belt ends. Although the layout drawings submitted are for indicative purposes only, it is considered that an appropriate layout could be secured at a reserved matters stage. The indicative layout demonstrates that the site could successfully accommodate up to 19 units whilst respecting the character of the area in the vicinity of the site.
- 7.8 On balance, the proposal is considered at this stage to comply with visual aspects of policies ENV1 and ENV2 of the Local Plan 2015, as well as the provisions of the NPPF.
- 7.9 **Residential Amenity**
- 7.10 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 127(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users. Under policy ENV2 of the Local Plan 2015 this application should take care to ensure there is no significantly detrimental harm to the residential amenity of the occupier and neighbouring occupiers as a result of the proposal.
- 7.11 The full details of the proposed dwellings is not being considered at this stage and would be considered at a reserved matters stage. The indicative layout shown

indicates that acceptable plot sizes and separation distances between the proposed dwellings could be achieved at the site in accordance with the Design Guide SPD. Furthermore, the indicative layout shows suitable separation distances between the proposed dwellings and the existing residences along Drury Lane and Chapel Lane. It is not known at this stage how the dwellings will be designed or their scale, however it is anticipated that a suitable scheme could be brought forward which prevents impacts such as overlooking, overbearing or overshadowing to neighbouring dwellings through the use of appropriate scales and layouts.

7.12 The proposal at this stage is considered to comply with the amenity elements of policy ENV2 of the local Plan 2015 and the NPPF.

7.13 **Flood Risk & Drainage**

7.14 A number of concerns have been raised by local residents and the Parish Council regarding drainage issues at the site and the impacts on neighbouring properties. The Applicant has submitted additional information in relation to drainage details following initial objections from the Lead Local Flood Authority (LLFA). The LLFA has issued a consultation response to the Council on 16th March 2020 setting out that they have reviewed the Parish Council's correspondence dated 12th February, and assessed the Flood Risk Assessment & Sustainable Drainage Strategy, MTC Engineering (Cambridge) Ltd, 2436 – FRA & DS – Rev B. Dated: February 2020; the Site Survey & Drainage Route, MTC Engineering (Cambridge) Limited, 2436-04. Dated: 10/01/2020; and the MTC Response to LLFA, MTC Engineering (Cambridge) Ltd, MJB/2436. Dated: 4th March 2020.

7.15 The LLFA have advised that the Applicant has demonstrated that surface water from the proposed development can be managed through the use of permeable paving on private drives and parking areas, and an under-drained swale. They have confirmed that a flow control device would be used to restrict discharge rates to 0.9l/s for all events up to and including a 1 in 100 year event plus a 40% allowance for climate change, before discharging into the existing watercourse directly adjacent to the site in the west. The information submitted has satisfied the requirements of the LLFA at the outline stage. They have however, requested a comprehensive condition is applied to any grant of permission.

7.16 The LLFA are satisfied that a suitable detailed drainage scheme could be achieved at the site, based on the information submitted by the Applicant. It is considered suitable to attach a condition that a condition is added to any grant of approval which requires submission of a detailed scheme for drainage once the matters of layout and scale are submitted for consideration.

7.17 **Access & Highway Safety**

7.18 Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking and Policy COM7 seeks to ensure that there is safe and convenient access to the highway network. The details of site access are not included in the matters to be considered and would be considered at a reserved matters stage. However, there is no reason to believe that a suitable access could not be achieved at the site at reserved matters stage. The Local Highways

Authority have considered the application and raised no objection in principle to the proposals. They have commented that the indicative access arrangements shown may be acceptable providing the appropriate visibility splays can be achieved. They have not recommended conditions at this stage as these would need to be considered when the full details of access are submitted. The parking arrangements for the site are also not considered at this stage, however based on the indicative layout shown it is expected that the appropriate level of parking could be secured at a reserved matters stage in accordance with policy COM8 of the local Plan 2015 which requires two parking spaces per dwelling to be put forward. The proposal is considered to comply with the highway safety elements of the Local Plan policies.

7.19 Ecology & Trees

- 7.20 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 170(d) 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 175(d) 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.
- 7.21 It is recommended that a condition requiring a comprehensive scheme of biodiversity improvements could be placed on any grant of permission. The request for biodiversity improvements is guided by national and local policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats for the benefit of species and preventing sites from being disconnected with the natural environment. It is considered that an appropriate and comprehensive scheme could be submitted in order to satisfy this condition which incorporates methods of ecological permeability between the plots within the site and the wider natural environment, as well as species-specific enhancements at the site.
- 7.22 The applicant has submitted a preliminary ecological appraisal which identifies that the proposed development is not expected to have any effects on statutory or non-statutory protected sites or their qualifying features due to its scale and distance to protected sites. In terms of the habitats on the site itself, the report does not indicate any significant habitats and does not consider that further surveys are required. The report makes a number of precautionary measures and recommendations. It is considered appropriate to condition that these are adhered to.
- 7.23 The applicant has submitted a tree survey to assess the trees at the site. This has been reviewed by the Council's Trees Officer who has advised that the information submitted is not sufficient and that further information will be required in order to assess the impacts on trees at the site. The Local Planning Authority has considered the requirements of the Trees Team and considers that at this stage,

the submission of this information would be unreasonable, as the number of dwellings is not fixed, nor is the layout or scale. It is considered acceptable to condition that these details are supplied as part of any reserved matters application, when the full details of the scheme are submitted.

7.24 Other Matters

7.25 The NPPF in paragraph 63 seeks the provision of affordable housing for major developments. The NPPF defines major development as schemes where 10 or more homes will be provided, or the site has an area of 0.5ha or more. Under the provisions of the NPPF this application is therefore required to provide affordable housing in line with the Council's policy requirements. Policy HOU3 of the Local Plan 2015 requires the appropriate provision of affordable housing alongside open market dwellings. The Council's Viability Assessment Report dated April 2019 requires a 30% affordable housing contribution. The applicant has confirmed that 30% affordable housing provision will be provided in accordance with the policy requirements and this would be secured through S106 Legal Agreement.

7.26 The S106 Legal Agreement would also secure contributions toward education which have been requested by the County Council. The S106 Legal Agreement would set out £96,150 toward Early Years Need, £111,429 toward Primary Need, and £120,000 toward Secondary Need. This would be payable prior to the occupation of 25% of the Market Dwelling Houses.

7.27 Concerns have been raised by neighbours regarding existing damage to drainage pipework under the public highway, however if this is the case these matters need to be raised with the relevant authorities so that these can be addressed. The LPA is not the appropriate authority to report these issues to. In addition, the drainage details have been reviewed by the appropriate authorities who have confirmed that the information submitted is sufficient to satisfy drainage concerns at the present time, relevant to this development.

7.28 Comments have been received regarding the loss of views, however these are not a material consideration and cannot be taken into account by the LPA.

7.29 Planning Balance

7.30 On balance the application is considered to comply with planning policy. The proposal represents a sustainable form of development which is not isolated or disconnected from existing surrounding development and the settlement envelope. The proposal would result in the provision of dwellings to the districts housing stock, and would be beneficial to the local economy in the short term during the construction stage. The proposal would not result in significantly detrimental impacts to neighbouring occupiers and would not be visually harmful to the character and appearance of the area. The application is therefore recommended for approval subject to a number of conditions as set out in Appendix 1.

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 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.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00146/OUM	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Senior Planning Officer 01353 665555 catherine.looper@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>

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>
Flood Risk Assessment & Drainage Strategy 18:023-0	B	10th February 2020 23rd January 2019
Preliminary Ecological Appraisal Additional Flood Risk Information		11th November 2019 4th March 2020

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the layout, scale, appearance, landscaping and access (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.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely

without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

- 5 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 5 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.
- 6 Prior to commencement or as part of any reserved matters application, a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Sustainable Drainage Strategy prepared by MTC Engineering (Cambridge) Ltd (ref: 2436 - FRA & DS - Rev B) dated February 2020 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, including levels, gradients, dimensions and pipe reference numbers;
- d) Full details of the proposed attenuation and flow control measures;
- e) Site Investigation and test results to confirm infiltration rates;
- f) 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;
- g) Full details of the maintenance/adoption of the surface water drainage system;
- h) 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

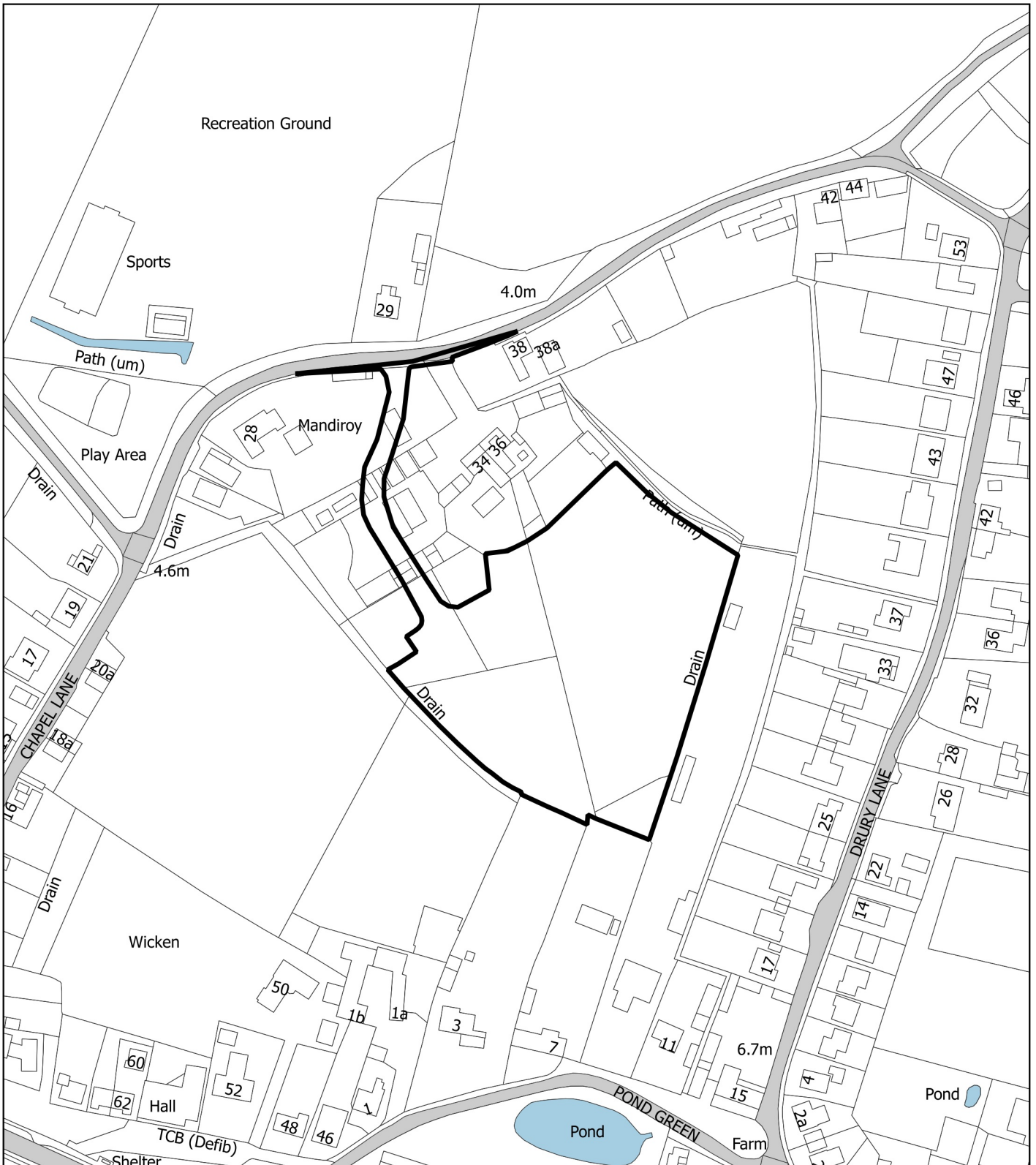
- 6 Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development.
- 7 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 7 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local

Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

- 8 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.
- 8 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.
- 9 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.
- 9 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.
- 10 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.
- 10 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 11 No development shall take place until a detailed Arboricultural Impact Assessment (AIA) 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 (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. All works shall be carried out in accordance with the agreed AIA.

- 11 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 12 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.
- 12 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 13 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 – 18:00 each day Monday-Friday, 07:30 – 13:00 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 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.
- 14 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.
- 15 No trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.

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



19/00146/OUM

Site South East of
34-36 Chapel lane
Wicken



East Cambridgeshire
District Council

Date: 17/03/2020
Scale: 1:2,000



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MAIN CASE

Reference No: 19/00179/FUM

Proposal: Application for 16 residential dwellings (including 40% affordable) comprising two 5xbed houses, one 4xbed house, four 3xbed houses and nine 2xbed houses along with access, car parking, landscaping and associated infrastructure

Site Address: Potters Cottage 39 Church Street Ashley Newmarket Suffolk CB8 9DU

Applicant: The Henry Lord Fairhaven Discretionary Settlement

Case Officer: Anne James, Planning Consultant

Parish: Ashley

Ward: Woodditton
Ward Councillor/s: Alan Sharp
Amy Starkey

Date Received: 15 February 2019 **Expiry Date:** 20 April 2020

[U205]

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the signing of the S106 Agreement and the following draft conditions with authority delegated to the Planning Manager and the Legal Services Manager to complete the S106 Agreement and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.

- 1 Approved Plans
- 2 Time Limit
- 3 SUDS
- 4 Unexpected Contamination
- 5 Construction Environmental Management Plan
- 6 Construction times
- 7 Materials
- 8 Boundary Treatment
- 9 Fire Hydrants
- 10 Written Scheme of investigation
- 11 Layout of estate road
- 12 Access points

- 13 Visibility Splays
- 14 Details of Bin Stores
- 15 Future maintenance and management of the internal estate roads
- 16 Soft landscaping
- 17 Hard landscaping
- 18 Landscape Maintenance
- 19 Biodiversity Improvements
- 20 Bird Breeding season
- 21 No external lighting
- 22 Tree works
- 23 Sustainability
- 24 Travel Plan
- 25 Tree Replacement scheme
- 26 Mitigation and Enhancement Measures of Ecology Report
- 27 Maintenance of SUDS

2.0 SUMMARY OF APPLICATION

2.1 The application seeks full planning permission for 16 residential dwellings with access, car parking, landscaping and associated infrastructure.

2.2 The accommodation is a combination of market and affordable housing (40% = 6 units) comprising:

Affordable

Dwellings 1, 2, 5 and 6	2no bedroom cottages
Dwellings 3 and 4	3no bedroom cottages

Market

Dwelling 6a	Bungalow designed for wheelchair user
Dwellings 8, 9, 11 and 12	2no bedroom bungalows
Dwellings 7 and 13	3no bedroom houses
Dwelling 10	4no bedroom house
Dwelling 14	5no bedroom house (barn conversion)
Dwelling 15	5no bedroom Farmhouse

2.3 The application has been accompanied by the following documents:

- Design and Access Statement
- Heritage Statement
- Transport Assessment
- Ecological Impact Assessment
- Utilities Statement
- Ground Contamination Assessment
- Arboricultural Impact Assessment/Arboricultural Method Statement

- Flood Risk Assessment

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

2.5 This application is being determined by Planning Committee in accordance with the Council's Constitution and has been called in to Committee by Councillor J Schumann on the basis that Application Ref: 17/00387/OUM was refused by Committee in 2017 and therefore it is a matter of public interest that the resubmitted scheme is considered by Committee.

3.0 **PLANNING HISTORY**

3.1

17/00387/OUM	Outline application for 28 dwelling houses (including site layout) with some matters reserved (including individual house layouts, appearance and landscaping)	Refused	19.09.2017
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4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site comprises an irregular shaped area of arable farm land measuring approximately 1.68 hectares located to the rear of properties 21- 39 Church Street. The majority of the site lies outside of, but adjacent to in places, the established development envelope of Ashley. The access into the site lies within Ashley Conservation Area with the main bulk of the site on which the dwellings are proposed outside of this area. The Parish Church of St Mary, a Grade II Listed Building, is located to the south-east of the site on the opposite side of Church Street. There are also a number of other Grade II Listed buildings close by, including Nos 29 and 33 Church Street, the former adjoining the southern boundary of the site.

4.2 Planning permission was approved for the use of the land to the north of the site as a stud enterprise.

5.0 **RESPONSES FROM CONSULTEES**

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

Ashley Parish Council – 05.03.20 - The Parish Council objects for the following reasons:

- Due to the use of deepbore soakaways (30) that will be necessary to deal with the surface water run-off from the site.
- No management and maintenance of the SUDS. Clarity required.
- How will the water run-off from the turning circle be collected and cleaned and stored prior to entering the watercourse.
- Who is the social housing provider
- Conflict between the drainage strategy and access plans regarding the road width and 2m grass verge to the east. Is this a grass verge to be used as an extension of the road or a swale for drainage. SUDs features conflict with the grass verge that has been removed to enable the road at this point to be 7m wide. In this drainage plan the grass verge is still present and is part of the SUDS system.
- Land to the north of the site has been approved as part of a stud. A drainage scheme has been approved that foresees that at times of extreme rainfall there is likely to be run-off onto the Potters Cottage site. No mention has been made in this application of the ditch at the south side of this site and how this would be affected.

15.03.2019 - The Parish Council objects to the proposed development for the following reasons:

- Damage to the historic significance of the area
- Ashley is considered by ECDC to be an 'infill village'
- Not supported by infrastructure
- Design flaws
- Highway Safety
- Parking
- Drainage
- Matters on which the Design and Access Statement is silent
- No consultation with the village

Ward Councillors – No comments received.

CCC Archaeology – No objection

We have commented on this in recent years. We would recommend that the same archaeological standard condition is placed on the development as was for prior application (17/00387/OUM, within the same bounds, that is:

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

CCC Growth and Economy – Contribution requested.

CCC Local Highways Authority - 18th February 2020 - No objection in principle to the scheme, however, the internal roads are not laid out to an adoptable standard and therefore we will not be able to adopt them or any part thereof.

Refer to previous comments on 11.03.19 and apply same conditions and informatives.

CCC Lead Local Flood Authority – No objection subject to conditions

07.04.20 - Based on these, as Lead Local Flood Authority (LLFA) we can now 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 deep-bore soakaways at a depth of 19 metres, allowing water to infiltrate into the ground. The development will also benefit from a linear swale and filter strips for conveyance, and permeable paving and bio-retention areas for additional surface water treatment.

The Environment Agency have confirmed their support for the use of deep-bore soakaways, subject to evidence that they have been designed to the shallowest viable depth. It is recommended that the Environment Agency are re-consulted to confirm their support of the proposed soakaway depth. The SuDS treatment train is particularly vital at this site, given the nature of the drainage proposals and its location above a Principal Aquifer and Source Protection Zone 3. The site is located entirely within Flood Zone 1 and whilst the site itself is at low risk to surface water flooding, the area has a predominant slope from north to south, resulting in a high surface water flood risk to the south of the site. The introduction of a positive drainage system is likely to act in reducing downstream flood risk. Moreover, a swale will be constructed directly north of the site on the proposed stud farm to intercept and store runoff from the north, providing an additional level of flood risk management.

02.03.20 – Maintain objection. Due to more detailed surface water drainage strategy, infiltration testing, proposed depth of soakaways required and surface water runoff issues from adjacent site.

30.05.19 – Objects. Due to issues with infiltration testing, insufficient level of detail in the Drainage Strategy and the storage estimates are not detailed enough.

CCC Fire And Rescue Service – No objection

Subject to the provision of fire hydrants.

ECDC Conservation Officer - Objects

'In terms of heritage impact, the proposal would fundamentally alter the character of the area and would alter views out of the conservation area to the north...The application site, due to the use of a long access drive, feels detached from the street and would neither preserve nor enhance the character or appearance of the conservation area or its immediate setting in this location.'

ECDC Environmental Health – Scientific Officer - no objection

Subject to conditions regarding unsuspected contamination

ECDC Environmental Health – Domestic - no objection.

No objection subject to conditions regarding Construction Environmental Management Plan, construction times and deliveries as well as solid construction of driveway/access.

ECDC Trees Team – objects

Still has concern regarding the scale of the development which will have a negative impact upon the landscape character of the area which would be in conflict with guidance in Policy ENV1 of the Local Plan 2015.

The movement of Plots 1 and 2 outside of the RPA of the trees in G5 is an improvement for the existing trees but consider the scheme would still impact on the landscape character.

ECDC Waste Strategy– 21.02.20 Should the roads not be adopted by the Local Highways Authority, then alternative waste collection arrangements would need to be made. Two storage areas for bins would also not be acceptable. Each property to be provided with individual bins and a suitable storage point provided.

ECDC Strategic Housing Team – 2nd December 2019

The developer intends to deliver the affordable dwellings as 2x 2 bed houses as affordable rented and 2 x 2 bed house and 2 x 3bed house as intermediate housing. The council would be happy to support the same dwellings types but would need to see these delivered as 2 x 2 bed house and 2 x 3bed house as rented and 2x 2 bed houses as intermediate housing. This affordable housing mix will help address the housing needs of those applicants on our housing register.

Historic England – No objections

We have considered the documentation submitted with the current application; including the Heritage Impact Statement produced by Purcell, Heritage Statement produced by John Selby and drawings produced by architects Francis Johnson and Partners, and are satisfied that the quantum of development, scale, massing and detailed design of the houses would be contextually sympathetic to the adjacent Ashley Conservation Area. We are of the view that our concerns regarding previous proposals for this site have been addressed in that the development of the application site would not cause harm to the significance of the conservation area in terms of the NPPF, paragraph 194.

Environment Agency – 07.04.2020 - No objection subject to conditions

06.03.2020 No objection Do not object in principle to the suggestion that post installation tests be undertaken on the first one or two boreholes to be installed. However, prior to agreeing to this staging we require further details specifying the location and depths for the proposed initial boreholes.

5.12.2019 - As commented previously.

1.3.2019 No comments to make but offer advice that if the development proposes to use deep infiltration systems including boreholes and other structures that by-pass the soil layer we would wish to be re-consulted.

Technical Officer Access – No objection

By including bungalows in the scheme, an improved design would provide accommodation for those with restricted mobility. The en-suite facilities of the bungalows show all doors opening inwards, these should open outwards.

Step free access required to all properties.

Design Out Crime Officers – No objection

Thank you for the opportunity to comment on this application. I have noted that we have consulted previously and whilst we would support this application it would be useful to consult with the Applicant to ensure principles of Secured by Design are achieved should planning approval be agreed.

Anglian Water Services Ltd –

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.

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.

Cambridgeshire Wildlife Trust – 29th November 2019

Satisfied with the proposed mitigation and enhancement measures given in Section 5 of the EclA report. Recommend the production of a Biodiversity Management Plan providing details of habitat creation and enhancement measures, and long term management measures to maintain the condition of on-site habitats.

Statutory Consultation

5.2 In terms of statutory publicity, the application was advertised by way of a site notice displayed on the boundary of the site on 21st February 2019 and in the Cambridge Evening News on 21st February 2019. Neighbours – 42 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Landscape Impact

- Form and character of Ashley
- Landscape Impact

- Affects public views
- Isolated nature of housing estate
- Agricultural land
- Design does not relate to Ashley

Heritage Impact

- Impact on Conservation Area
- Listed Buildings

National and Local Policy

- Outside development envelope
- Contrary to the NPPF
- Contrary to Local Plan Policy
- Overdevelopment of village

Access, Highway safety and parking

- Access and poor visibility in Church Street
- Bus service poor
- Highway safety
- Parking and turning
- Not sustainable, reliance on car
- Increase in traffic

Infrastructure

- Pressure on existing infrastructure, services and facilities
- Flooding and drainage
- Primary school is full

Housing

- Affordable housing should be community led

Residential amenity

- Pollution
- Noise sensitive
- Impact on village and village life

Natural environment

- Ecology and biodiversity, owls and GCNs

Other

- Gaming of the planning system

- Profits on housing at the cost of the ordinary person
- Previous reasons for refusal apply

6.0 **THE PLANNING POLICY CONTEXT**

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 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
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

Village Vision - Ashley

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
 Ashley Conservation Area

6.3 National Planning Policy Framework 2019

2	Achieving Sustainable Development
5	Delivering a sufficient supply of homes
6	Building a strong, competitive economy
8	Promoting healthy and safe communities
9	Promoting sustainable transport
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic environment

6.4 Planning Practice Guidance and National Design Guide

Due regard has been had to the information contained within these documents.

7 **PLANNING COMMENTS**

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

7.1.1.1 **Principle of Development**

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

7.1.1.2 Local planning authorities are charged with delivering a wide choice of high quality homes and to significantly boost the supply of housing by identifying sites for development; maintaining a supply of deliverable sites, and, to generally consider housing applications in the context of the presumption in favour of sustainable development.

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

7.1.3 For the purposes of assessing the proposal, and, in relation to the presumption in favour of sustainable development, it is pertinent to consider the previously refused scheme.

7.1.4 An outline planning application for 28 dwellings on the same site was refused planning permission in September 2017 for the following reason:

1. The proposal would introduce modern housing to the north of Ashley Conservation Area, which is characterised by historic development around the crossroads and along Church Street, which runs east to west through the village. The development would be visible in key views out of the conservation area as identified in the Ashley Conservation Area Appraisal. The proposal would result in building beyond the established historic pattern of development separating the historic village core from the fields to the north. The proposal would therefore result in substantial harm to the historic significance of the area by eroding the setting that contributes to that significance. The proposal is therefore contrary to Policies ENV1 and ENV11 of the East Cambridgeshire Local Plan 2015 and Paragraphs 6, 7, 14, 17, 132, 134 and 137 of the NPPF.

7.1.5 In 2017 when the above application was first considered by committee, the local planning authority was not able to demonstrate that it had an adequate five year supply of land for housing. Policy GROWTH 2 requires that development be

permitted only within defined development envelopes unless certain criteria are applied. Whilst the application did not meet the criteria in terms of schemes for affordable housing exception sites or dwellings for essential rural workers, given the absence of the 5 year land supply position, the presumption in favour of sustainable development applied, as set out in para 11 of the NPPF.

- 7.1.6 The scheme represented a modern housing development to the north of the Ashley Conservation Area which it was considered resulted in substantial harm to the historic significance of the area. In applying the presumption in favour of sustainable development as set out in para 11 of the NPPF, the adverse impact of the scheme significantly and demonstrably outweighed the benefits.
- 7.1.7 In the application currently under consideration, the quantum of development has been significantly reduced from 28 dwellings down to 16 dwellings. The applicants have also sought design advice from Historic England, and in turn have been supported in the design of the development. As a consequence the development would no longer result in harm to the conservation area. The layout of the scheme has also been improved with the majority of the development located towards the western end of the site in the form of a 3-sided courtyard, comprising a variety of farm buildings, using the narrative of a Model Farm from the early 19th century enclosures with cottages, farm house and barns. Views from the access road and Church Street, which are located in the conservation area have been improved as a consequence.
- 7.1.8 As set out in 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 includes 16 dwellings of which 40% would be affordable homes as well less than substantial harm on public viewpoints both of which are public benefits.
- 7.1.9 In terms of the impact on flood risk, the applicants have liaised with both the Local Lead Flood Authority and the Environment Agency and have provided satisfactory information on a drainage strategy to the satisfaction of the technical consultees who have raised no objection to the scheme, subject to conditions.
- 7.1.10 Similar circumstances in 2017 apply in the current scheme as again the Council are unable to demonstrate a 5 year land supply of housing and again the presumption in favour of sustainable development as set out in para 11 of the NPPF applies. The application has therefore been assessed on the basis of whether the resubmitted scheme has addressed the previous reasons for refusal, namely, the impact on the Ashley Conservation Area.
- 7.1.11 In evaluating the scheme and taking into consideration the material planning considerations mentioned above, the advice from technical consultees and concerns expressed in the letters of representation, it is considered that the scheme has addressed the reason for refusal and can now be supported in principle.

7.2 Residential Amenity

- 7.2.1 Policy ENV2 of the adopted Local Plan 2015 requires development proposals to ensure that there is no significantly detrimental effect on residential amenity of nearby occupiers and that future occupiers enjoy high standards of amenity.
- 7.2.1 In terms of the impact on the residential amenities of existing occupiers, Nos 21 – 39 Church Street are a linear row of dwellings located to the south of the site which benefit from substantial rear garden lengths. Therefore between inter-visible windows a distance in excess of 50m can be achieved. This separation distance is sufficient to ensure that the proposed dwellings will not be overbearing or cause any significant loss of privacy to existing residents on Church Street. The land rises to the north but the difference in levels would not affect this assessment.
- 7.2.2 In assessing the amenity of future residents of the accommodation, the layout of the scheme indicates that plot sizes accord with the Design Guide SPD. The dwellings on the western boundary of the site will be located approximately 15m from a number of agricultural buildings accessed via Mill Road. There are no openings on the eastern elevations of these buildings and given that they are located in close proximity to dwellings on Mill Road, their presence is not considered to adversely affect residential amenity. All new dwellings benefit from an acceptable outlook with adequate sunlight/daylight penetration to habitable rooms as well as private rear garden amenity space.
- 7.2.3 On balance it is considered that the proposal adequately addresses residential amenity and complies with the advice provided in the East Cambridgeshire Design Guide SPD and Policy ENV2 of the adopted Local Plan.

7.3 Housing mix and affordable housing

- 7.3.1 The proposal includes a range of dwelling types and sizes ranging from bungalows, terraced cottages, barn conversions as well as detached dwellings. In accordance with Policy HOU3 40% of the dwellings would be affordable units.
- 7.3.2 The Council's Strategic Housing Team is happy to support the same dwelling types but would need to see them delivered as 2 x 2 bed houses and 2 x 3 bed houses as rented and 2 x 2 bed houses as intermediate housing. This affordable housing mix would help address the housing needs of those applicants on the Council's housing register. The proposal would be subject to the affordable units being secured by a S106 Agreement.
- 7.3.3 The scheme complies with the requirements of Policies HOU2 and HOU3 of the adopted Local Plan 2015 and due weight is afforded to this matter.

7.4 Cultural heritage and visual amenity

- 7.4.1 Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or

historic interest which it possesses. Cultural heritage encompasses a wide range of features, both visible and buried, including archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.

- 7.4.2 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.
- 7.4.3 The majority of the site lies outside the Ashley Conservation Area but the access road and POS are located within the conservation area. There are a number of Grade II Listed Buildings close-by and the Grade II Listed Parish Church of St Mary which is located on the southern side of Church Street, opposite the main access point.
- 7.4.4 The Ashley Conservation Area SPD makes reference to the access point describing it as a small gap between Potters Cottage, which adjoins the access road but not included within the application site, and the cemetery that adjoins the eastern boundary of the access. This gap allows views through to and over surrounding fields. The SPD also goes on to refer to the greater dispersal of buildings at this end of Church Street as being an indication that the village's most outermost limits are being reached.
- 7.4.5 Despite the reference to a greater dispersal of buildings at this end of Church Street, the built form along the frontage of Church Street is close-knit with a number of dwellings spanning the width of their plots and with limited views of the land to the north. Nos 29 and 33 Church Street which are Grade II listed buildings benefit from approximately 60m separation distance with the proposal and this is considered to be sufficient to reduce any harm to a negligible level. Furthermore in the current scheme there is no longer any development on the eastern side of the access road which instead comprises a paddock and development along the western edge of the access road has been set back sufficiently to allow views through the conservation area to the open countryside further north.
- 7.4.6 The Council's Conservation Officer has objected to the scheme on the basis of previous concerns that have not been addressed in the current scheme. These relate to the character and appearance of the area and the altered views out of the conservation area to the north. Other concerns with regard to the long access drive creating a detachment from the street would neither preserve nor enhance the character or appearance of the conservation area or its immediate setting in this location. In the current scheme, views of the site from Church Street would be improved as the modern housing estate has been reduced in size and scale and the development has also been moved away from the newly created access. As such, views from Church Street are still of open countryside with parts of the scheme still visible to the north-west of the site where the design of the farm house, barns and cottages provide a more sympathetic background to the conservation area. The

access road into the estate does offer a degree of separation from Church Street, however, this is similar to most farm complexes which are located off-road and therefore this scheme would not introduce a totally unnatural feature into the landscape.

- 7.4.7 Historic England has commented in detail on the scheme and in particular refer to the conservation area as being characterised by mainly single dwellings facing onto the street with gardens bordering agricultural land beyond as well as some farmstead buildings which have the same relationship to the fields. They consider the relationship between the boundaries of rear gardens and this land is a long-standing part of the settlement's character and a key element in the setting of the Ashley Conservation Area contributing to an understanding of the historic village in a rural community. The conservation area character appraisal identifies several key views from the north-west where the rear of the houses can be seen across the application site and from the south where it can be seen from the street and beside the churchyard extension. The current proposals for 16 dwellings would introduce modern housing immediately to the north of the conservation area, beyond the established historic pattern of development separating the historic village core from the fields.
- 7.4.8 Historic England are, however, satisfied that the quantum of development, scale, massing and detailed design of the houses would be contextually sympathetic to the adjacent Ashley Conservation Area and that previous concerns regarding proposals for this site have been addressed, in that the development of the application site would not cause harm to the significance of the conservation area in terms of the NPPF, para 194.
- 7.4.9 Whilst there is a difference of opinion, the scheme has been assessed on the basis that the level of harm to designated heritage assets is balanced against the benefits of the scheme.
- 7.4.10 The County Archaeologist has commented on the proposal indicating that the site lies in an area of archaeological potential, situated to the north of the Icknield Way, an ancient trackway which runs from Norfolk to Wiltshire. To the south and east are a series of designated sites, including moated sites and the remains of Saint Mary's church. While to the south of the Icknield Way between the High Street and The Green is the former site of the Old Chapel.
- 7.4.11 This area has had little archaeological investigation and while no known archaeological evidence is recorded within the application area, it is located in the historic core of the village of Ashley, which includes numerous listed buildings. A written scheme of investigation is required and this can be imposed by condition.
- 7.4.12 The listed Church and buildings have been comprehensively assessed and 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.

- 7.4.13 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 includes housing 40% of which would be affordable and the retention of public viewpoints both of which are public benefits.
- 7.4.14 It is considered therefore that the scheme would not adversely affect the character and amenities of the conservation area and listed buildings located within it, such that the weight to be afforded is considered to be moderate.

7.5 Highways

- 7.5.1 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved. Policy COM7 of the Local Plan 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.
- 7.5.2 The parish of Ashley has been described in the adopted Local Plan as a small village about 4 miles east of Newmarket. The village benefits from a post office, church, public hall, public house and a sports field. The village also has a regular bus service which runs to Newmarket. In terms of housing Ashley is likely to continue to grow at a slow rate, with new housing being built on suitable 'infill' sites within the village.
- 7.5.3 As the site lies on the edge of the established settlement boundary it is considered that future residents would be able to access the limited goods and services and public transport on offer in the village both on foot and by bicycle. However, it is acknowledged that given the rural nature of the village that residents would to a certain extent be reliant upon the private motor vehicle to access places of work and schools. The proposal therefore conflicts with Policy COM7 in this regard.
- 7.5.4 The proposal does however include the provision of an additional 16 dwellings, 40% of which would be affordable units, to add to the district's housing stock. The proposal is therefore considered to make a meaningful contribution towards the current housing shortfall and this attracts significant weight in the planning balance. The proposal would also offer some short and long term economic benefits in relation to the construction process and the purchase of local goods and services.
- 7.5.5 In terms of access and the impact on highway and pedestrian safety, the Local Highways Authority has not objected to the scheme and has accepted the speed survey submitted which has informed the dimensions of the visibility splays as shown on the submitted plans. However, the internal layout is not to an adoptable standard.
- 7.5.6 As has been raised previously, a number of comments have been made on the application referring to current congestion on Church Street caused by parked vehicles and the fact that the footpath along Church Street is narrow in places. Concerns have also been raised regarding the safety of a number of key junctions

within the centre of the village. It is acknowledged that there are often vehicles parked on Church Street, however, this cannot be controlled by the District Council. The imposition of parking controls could not reasonably be required as part of this application and given that they have to be made by Traffic Regulation Order, there is no guarantee that they can be put in place.

- 7.5.7 Bearing in mind the scheme has been reduced in number, the Local Highway Authority does not consider that the proposal would have wider implications on the highway network and the level of traffic generated would not significantly increase the risk of accidents on and around the junctions raised in the letters of objection. It should also be noted that a proposal cannot be held accountable for an existing problem.
- 7.5.8 Although the proposal conflicts with parts of Policy COM7 with regard to the locational sustainability of Ashley, in respect of highway, access and pedestrian safety the scheme is considered to comply with Policy COM7 of the adopted Local Plan such that this weight can be tempered accordingly.

Parking

- 7.5.9 Policy COM8 sets out parking provision outside of town centres and requires 2 spaces per dwelling plus up to 1 visitor parking space per 4 units. Cycle parking should also be provided at 1 space per dwelling.
- 7.5.10 From the layout accompanying the planning application an opportunity exists on the site to provide an acceptable parking scheme and the scheme would be policy compliant in line with Policy COM8 of the adopted Local Plan.
- 7.5.11 To conclude, whilst there will be a reliance on the car for higher order services and facilities, local facilities can be accessed on foot and the scheme can provide appropriate on-site parking as well as a safe access and would not result in an unacceptable impact on highway and pedestrian safety which on balance would accord with Policies COM 7 and 8 of the adopted Local Plan 2015. These factors are therefore afforded neutral weight.

7.6 Ecology

- 7.6.1 The application has been accompanied by an Ecological Impact Assessment [agn dated 20th December 2018]. This study has been informed by a walkover survey, desk based study, preliminary ecological appraisal and a reptile survey. This Assessment indicates that the site has low ecological value being made up of arable farmland/improved grassland framed by hedgerow.
- 7.6.2 Policy ENV7 of the adopted Local Plan requires that development proposals 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.
- 7.6.3 The site falls within the impact risk zones of Devil's Dyke and Newmarket Heath but does not meet the criteria for impacts that would likely lead to a significant effect on these sites.

- 7.6.4 The site does fall within 2km of Mill Road Hedgerow CWS, Ashley B1085 RSV CWS, Track West of Lower Windmill CWS and Hawson Hills CWS. In view of the distance away from these sites it is not considered there would be a detrimental impact.
- 7.6.5 The site does not contain any standing water bodies and according to records held by the County Records Centre, populations of great crested newts have not been recorded as present in the vicinity of the site. The Ecological Impact Assessment has found that two ponds are located within 250m of the site and these had been tested for the presence of GCNs in 2017 and had come back negative. A concern identified within the letters of representation that a further pond had not been considered by the Assessment is acknowledged, although as the site has been actively farmed and there was poor connectivity between the water bodies then the site would be unlikely to support this protected species.
- 7.6.6 In terms of bats, as there are no buildings or structures within the proposed site to support roosting bats, surveys centred on mature trees which would offer opportunities for either roosting, commuting and foraging purposes. The majority of the trees on the site are to be retained save for a small group within the south-western corner and these were recorded as having a low suitability for roosting bats. The farm building located along the western boundary had not been surveyed due to the building being outside the site boundary. It is considered that provided appropriate precautionary measures are adopted during construction that any harm would be mitigated.
- 7.6.7 Standing advice from Natural England regarding reptile surveys state that a survey is required if the site has habitat suitable for reptiles; will alter the water levels of the site or surrounding area; will break apart suitable habitat for reptiles or distribution and historical records suggest they may be present. A reptile survey was carried out in September 2016 and County Environmental Records Centre holds no records of reptiles from within 2km of the site. It is fair to say that there has been no significant changes within the site since 2016 and therefore the results of the reptile survey remain valid.
- 7.6.8 No badger setts or signs of badger activity were recorded on or within 30m of the site boundary although County Records Centre returned one confidential record of badger field signs within 2km of the site. General precautionary measures would be observed.
- 7.6.9 Japanese knotweed has been identified on the site and a specialist contractor would be appointed to oversee the removal of this invasive plant species.
- 7.6.10 The Wildlife Trust has been consulted and is satisfied with the proposed mitigation and enhancement measures given in the Ecology report. They recommend the production of a Biodiversity Management Plan to be submitted which would provide details of habitat creation and enhancement measures, and long term management measures to maintain the condition of on-site habitats.

Trees

- 7.6.11 There are a number of trees on the periphery of the site which are shown on the submitted layout plan. An Arboricultural Impact Assessment/Arboricultural Method Statement [agb Environmental dated 30th January 2019] has been submitted with the application and indicates that apart from a small group of trees on the western boundary of the site, all the trees on the periphery of the site would not present a significant constraint to development. The Council's Tree Officer has raised no objection to the impact of the scheme on existing trees within the site save that the scheme would have a negative impact upon the landscape character of the area. This matter has been comprehensively assessed in the preceding sections of the report.
- 7.6.13 The scheme would provide an opportunity to seek a suitable tree replacement scheme and therefore the loss of a small group of existing trees is acceptable.
- 7.6.14 Subject to a number of precautionary mitigation measures and enhancements set out within the Ecology Impact Assessment and the Arboricultural Reports, it is considered that the proposal meets the requirements of Policy ENV7 of the adopted Local Plan and this factor can be weighed neutrally.

7.7 Flood Risk and Drainage

- 7.7.1 Policy ENV8 of the Local Plan requires that all developments should contribute to an overall flood risk reduction. A Flood Risk Assessment and Drainage Strategy [Kingdom TP dated January 2019] has been submitted with the application.
- 7.7.2 The application site is located within Flood Zone 1 and therefore has a low probability of flooding. The Strategy states that due to the slope in land levels from north to south, surface water is being discharged by infiltration to land to the south. Historically ditches have been provided to prevent flows from the higher land and provide a degree of attenuation prior to routing flows to Church Street via the corridor of land forming part of the application site. The Strategy considers that most overland flows in the vicinity will follow the highway corridor to the village pond. When the pond capacity is exceeded it will overflow along the highway corridor to the west towards the watercourse.
- 7.7.3 In accordance with best practice alternative strategies have been considered based on the SUDS hierarchy, namely, infiltration; discharge to a watercourse; discharge to a sewer. The options of discharging to a water course or sewer have not been practical and therefore the applicants have adopted the use of infiltration measures by way of deep bore soakaways. The Environment Agency had no formal comment to make other than to offer advice on managing and reducing land contamination. The Local Lead Flood Authority had requested that the applicants provide a greater degree of detail with regard to storage estimates to calculate the volume of attenuation required. In the documentation submitted the SuDs design included at least two pollution prevention treatment steps prior to discharge into the deep bore soakaways. The scheme would include 30 boreholes at strategic locations within the site and at a depth of 25m and this has been agreed in principle with the

Environment Agency. However, the applicants have been required to undertake infiltration testing to be carried out at 3 boreholes. The borehole testing has been undertaken to a depth of 20m and the results indicate that the design depth of the soakaways can be reduced to 19m below ground level and additional work can be undertaken to agree the actual discharge rate of each soakaway (post construction) and determine the total number of soakaways required. The Local Lead Flood Authority has agreed with the findings and withdraws their objection.

- 7.7.4 The Parish Council have raised a number of concerns namely the management and maintenance of the SUDs and this is covered by the S106 Agreement and the LLFA and Environment Agency have requested a number of conditions to cover all aspects of the SUDs features. Again, a social housing provider will be identified at a later stage of the development and this is included within the S106 Agreement. When an appropriate provider has been appointed they would be made aware of the commitment to maintain and manage the SUDs. The applicants have also confirmed that there is sufficient space within the internal road feature to provide a swale. The point regarding land to the north of the site, is outside of the control of the applicant, however the LLFA in their response dated 7th April 2020 refer to a swale which is to be constructed directly north of the site on the proposed stud farm to intercept and store runoff from the north, providing an additional level of flood risk management. The LLFA has also requested that a condition be imposed to ensure that a swale on land adjacent to the application site is constructed prior to the commencement of development on the application site. However, as this land is outside of the application site area, the applicants would have no control over this land. As such this condition would not meet with any of statutory tests and therefore would be unreasonable to impose. Details of the SUDs is already a condition on any future consent and this matter can be clarified at a later stage. In terms of the ditch to the south of the site which is currently the only method of existing attenuation, it is considered that the SUDs for the proposal will provide a robust drainage strategy which will improve drainage on the site without needing to rely on the drainage ditch to the south of the site.
- 7.7.5 Anglian Water has been consulted on the proposal and confirms that foul drainage is in the catchment of Newmarket Water Recycling Centre that will have available capacity. It also confirms that there is capacity in the foul sewerage system for the development.
- 7.7.6 It is considered that the applicants have adequately addressed the provisions of Policy ENV8 of the adopted Local Plan in relation to drainage and flood risk and this factor is afforded neutral weight in the planning balance.

7.8 Other Material Matters

Energy and Water Efficiency

- 7.8.1 All new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy Policy ENV4 refers. A condition will be appended to secure an energy and sustainability strategy for the development.

Waste

- 7.8.2 There would be a requirement to provide satisfactory management of the site concerning waste awareness, storage and collection and this will be secured by condition.

CIL

- 7.8.3 The scheme will be subject to the Community Infrastructure Levy.

S106 Agreement

- 7.8.4 The applicant has submitted a draft S106 Agreement which offers 40% affordable housing, an education contribution, public open space and maintenance thereof.

Pollution and Contaminated Land

- 7.8.5 Policy ENV9 requires that all development proposals should minimise and where possible, reduce all emissions and other forms of pollution, and ensure no deterioration in air and water quality. A Phase I and II Geo-Environmental Assessment [eps dated 2nd November 2017] has been submitted with the application. The Environmental Health Officer is satisfied with the findings of the report and does not consider further site investigation necessary. However, would require a condition covering any unexpected contamination occurring on site. The proposal therefore satisfies the requirements of Policy ENV9 of the adopted Local Plan and this factor is weighed neutrally.

Open Space

- 7.8.6 Clarification on public open space has been raised in letters of representation, as well as the purpose served by the paddock area located along the eastern boundary and therefore issues of management and maintenance of this area would need to be understood.
- 7.8.7 Policy GROWTH 3 of the Local Plan requires residential development of 20 or more dwellings to provide or contribute towards the cost of providing children's playing space and open space. For a development of this size there would be no requirement for the provision of on-site open space. However, the application scheme provide an area of public open space and this area has been incorporated into the s106 as well as landscaping conditions which would require planting details of the areas as well as management and maintenance strategies.

Setting of a precedent

- 7.8.8 In terms of the scheme setting a precedent, each planning application is assessed on the individual merits of a scheme having regard to planning policy, as well as advice from technical consultees.

Agricultural land

7.8.9 In considering the loss of Best Most Versatile agricultural land it is acknowledged that this land cannot be replaced. However, East Cambridgeshire is a predominantly rural district benefitting in a high proportion of BMV agricultural land. The loss of BMV agricultural land, as a reason for refusal, has never been supported before at appeal. Successive decisions have informed the Council that, as all land within the district benefits from Grade 1, 2 and 3a BMV agricultural land use classification, nothing would ever get built.

Pressure on existing infrastructure

7.8.10 Concerns have been raised with regard to the pressure on primary and secondary school places. The County Council have stated that in terms of early years provision they are working with the primary school on potentially incorporating early years there. As there is currently capacity in the primary school the County Council are not requesting a contribution. They have requested that a secondary school education contribution is made to Bottisham Village College and this is covered within the S106 Agreement.

7.8.11 Other issues regarding 'gaming of the planning system' and 'profits from housing at the cost of ordinary people' are not material planning considerations and are therefore not dealt with in the report to committee.

7.9 Planning Balance

7.9.1 The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development. Para 11 of the NPPF requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.9.2 The development would make a contribution to the housing land supply (40% of which would be affordable housing), which in the context of the Council currently being unable to demonstrate a 5 year housing land supply, is a benefit to be attributed significant positive weight in the planning balance. However, in view of the number of dwellings proposed this factor is afforded considerable positive weight. There would also be economic benefits in terms of the construction of the development itself, those associated with the resultant increase in population and the contribution to the local economy to which moderate positive weight should be attached.

7.9.3 In terms of its impact on the landscape character, the conservation area and listed buildings being less than substantial, the weight afforded to these matters is moderate.

7.9.4 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of impact on residential amenity, access and highway safety,

parking, biodiversity, ecology, flooding and drainage. However, these matters do not represent benefits to the wider area but demonstrates an absence of harm to which weight should be attributed neutrally.

8 CONCLUSION

8.1 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. The report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.

8.2 In principle, and having regard to the three dimensions of sustainable development, the scheme is considered acceptable and the benefits of the scheme would significantly and demonstrably outweigh the adverse impacts when assessed against the policies in the NPPF.

8.3 The proposal is recommended for approval, subject to conditions

9 COSTS

9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

9.2 Unreasonable behaviour can be either procedural 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:

- Historic England are no longer objecting;
- The Local Highways Authority do not object;
- 5 year land supply position

10 APPENDICES

10.1 Conditions – Appendix 1

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00179/FUM	Room No. 011	Anne James
17/00387/OUM	The Grange Ely	Planning Consultant 01353 665555 anne.james@eastc ams.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX ONE

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

Plan Reference	Version No	Date Received
1151/02/01 1		17 th March 2020
Location Plan		31st January 2019
Heritage Statement		31st January 2019
2795/4	C	2nd February 2020
H010		2nd February 2020
2795/5		31st January 2019
Geo-Environmental Assessment		31st January 2019
Heritage Impact Assessment		31st January 2019
Ecological Impact Assessment		31st January 2019
Transport Assessment		31st January 2019
Utilities Assessment		31st January 2019
2795/12		31st January 2019
2795/11		31st January 2019
2795/10		31st January 2019
2795/9		31st January 2019
2795/7		31st January 2019
2795/6		31st January 2019
2795/8		31st January 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.
The scheme shall be based upon the principles within the agreed Surface Water Permeability Calculations prepared by BMF Consulting Limited (ref: 1151) dated March 2020, and the Surface Water Drainage Layout prepared by BMF Consulting Limited (ref: 1151/02/01) dated February 2020 and shall also include:
 - a) Full results of the proposed drainage system modelling in the 1 in 1, 1 in 30 and 1 in 100 year events (as well as the 1 in 100 year event 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, including levels, gradients, dimensions and pipe reference numbers;
 - c) Site Investigation and test results to confirm infiltration rates;

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) Full details of the maintenance/adoption of the surface water drainage system;
f) Measures taken to prevent pollution of the receiving groundwater
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. In accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours:
07.30 - 18.00 each day Monday-Friday and 07.30 - 13.00 on Saturdays and none on Sundays, Public Holidays or Bank Holidays
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

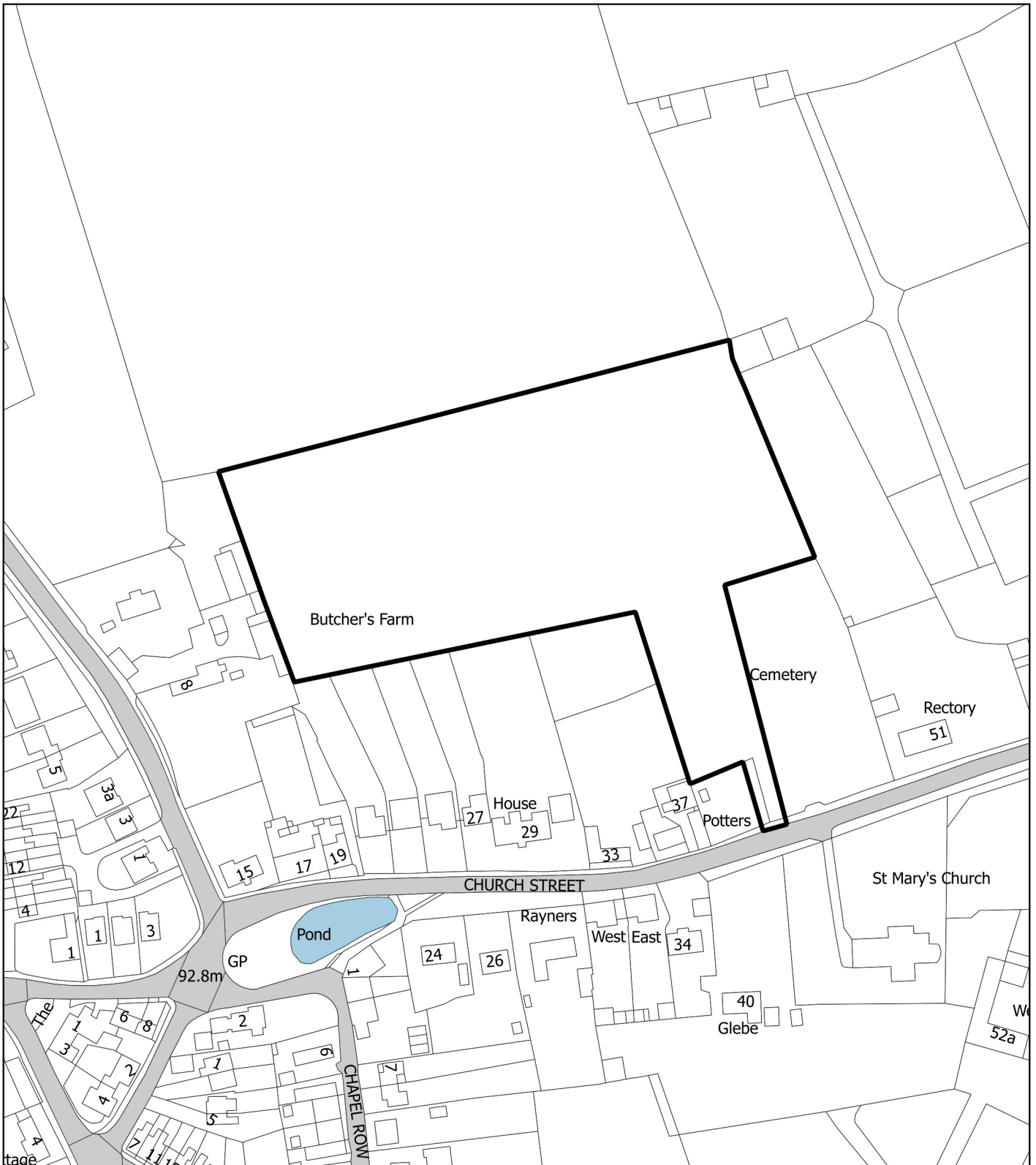
- 7 No above ground construction shall take place on site until details of the bricks, stone, roof coverings, flashing, windows, doors, etc; to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 7 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 8 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the occupation of any dwelling.
- 8 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 9 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.
- 9 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 10 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 10 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 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 2795/4 C; in writing by the Local Planning Authority.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Access points with the highway to be laid out as per the approved drawing nos: 2795/4 B and H010 and constructed to CCC specifications.

- 12 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 13 Prior to above ground construction works; visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan H010; The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 No above ground construction shall commence until details of the design and location of bin stores have been submitted to and agreed in writing with the Local Planning Authority. The bin stores shall be in situ in accordance with the approved details prior to the occupation of the development.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 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).
- 15 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 16 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.
- 16 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.

- 17 No above ground construction shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: parking areas, footpaths, courtyard and turning area and bin storage areas. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 17 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 18 Prior to any occupation of the development, a scheme for the maintenance of the shared common areas; for a minimum period of 5 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
i) methods for the proposed maintenance regime;
ii) detailed schedule;
iii) details of who will be responsible for the continuing
- 18 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 19 Prior to any work commencing on the site a Biodiversity Management Plan shall be submitted to and agreed in writing with the Local Planning Authority regarding details of habitat creation and enhancement measures, and long-term management measures to maintain the condition of on-site habitats. These measures shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 19 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 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.
- 20 Any tree or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation.
- 20 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 21 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 21 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 22 All works shall be carried out in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement. If, during construction, it becomes apparent that further works or changes are required, work shall not progress any further on site until the applicant has secured a site meeting with a suitably qualified professional to agree the details and phasing of any tree surgery works not detailed in the submitted report. A written schedule shall be submitted to and approved in writing by the Local Planning Authority.
- 22 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 23 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 23 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 24 Prior to first occupation the form and content of Welcome Travel Packs to be issued to new residents on the first occupation of each new dwelling shall be agreed with the Local Planning Authority. The Packs should encourage residents to travel using sustainable modes of transport and shall be provided to new occupiers of the development.
24. Reason: In order to encourage future residents to travel using sustainable modes of transport in accordance with Policy COM7 of the East Cambridgeshire Local Plan 2015.
25. Prior to the first occupation or commencement of use of the development, details of replacement tree planting, indicating positions or density, species, and planting size shall be submitted to and approved by the Local Planning Authority. Planting shall take place in accordance with the approved details within the first planting season following completion of the development or in accordance with the program of planting approved by the LPA. Any such trees that are removed die or become, in the opinion of the LPA, seriously damaged or defective within a period of 5 years of planting shall be replaced with specimens of a similar size and species as originally required.
- 25 Reason: To assimilate the development into its surroundings, in accordance with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
26. Works shall be carried out in accordance with the Mitigation and Enhancement Measures in the Biodiversity/Ecological Assessment [agn dated 20th December 2018].
- 26 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 27 Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.
- 27 Reason To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.



19/00179/FUM

Potters Cottage
39 Church Street
Ashley



East Cambridgeshire
District Council

Date: 10.03.2020
Scale: 1:1,859



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MAIN CASE

Reference No: 19/00376/OUM

Proposal: Outline planning application for the erection of up to 110 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access points from Station Road and Fordham Road. All matters reserved except for means of main vehicular access.

Site Address: Land Off Station Road Isleham Cambridgeshire

Applicant: Gladman & Christopher Ian Harvey

Case Officer: Andrew Phillips, Planning Team Leader

Parish: Isleham

Ward: Fordham And Isleham

Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 12 March 2019 **Expiry Date:** 20 April 2020

[U206]

1.0 **RECOMMENDATION**

1.1 Members are recommended to approve the application subject to the signing of the s106 agreement and conditions covering the following matters with authority delegated to the Planning Manager and Legal Services Manager to complete the s106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.

1.2 Conditions:

1. Approved Plans
2. Reserved Matters
3. Commencement of Development Timeframe
4. Contamination
5. Unexpected Contamination
6. Surface Water
7. Foul Water
8. Construction Environmental Management Plan (CEMP)
9. Construction Times and Deliveries
10. Potential Piling
11. Detailed Waste Management and Minimisation Plan (DWMMP)
12. Fire Hydrants
13. Highway Built to Adoptable Standards

- 14. Road Management
- 15. Site Entrances
- 16. Visibility Splays
- 17. Road Drainage
- 18. Travel Plan
- 19. Bus Stops
- 20. Footpaths
- 21. Broadband
- 22. Energy and Sustainability Strategy
- 23. Biodiversity
- 24. Noise Protection

2.0 SUMMARY OF APPLICATION

- 2.1 The application has come before Planning Committee, due to the Council's Constitution and that the application is an outline of over 50 dwellings.
- 2.2 The proposal seeks outline permission with only access being determined at this stage. The original permission was for up to 215 dwellings, during the application this has been reduced to up to 127 dwellings in order to overcome primarily the landscape impacts of the proposal. The developer then reduced the number of dwellings to up to 110 on the 17 March 2020.
- 2.3 During the application process the developer has also sought to overcome concerns raised in regards to archaeology, transport and education contributions.
- 2.4 The proposal also includes 6m wide access roads (with 2m footpaths) on both Station and Fordham Road, public open space, associated infrastructure and to the south of the site additional field planting.
- 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/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1 No relevant planning history

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is an agricultural field between Fordham Road (to the northwest) and Station Road (to the east). To the north of the site is existing farm buildings and existing dwellings. The character of Station Road is dwellings on either side of the road with gaps to the wider countryside to the west. The site forms an important transition between the built form of Isleham to the wider countryside to the south along Fordham Road.

4.2 There are rows and copses of trees (including hedgerows) to the south of the remainder of the agricultural field.

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.

Isleham Parish Council – 3 April 2019

Objects to this proposal on the grounds of:

- Roads within the village are not fit for purpose and there is speeding issues along Station and Fordham Road.
- Adopted Local Plan 2015 required 86 dwellings within the village. In the 4 years since adoption just under 200 dwellings have been provided within the village.
- Site is agricultural land and the proposal would lead to the loss of far reaching views to the south and east from Fordham Road and west from Station Road.
- Proposal will have a significant impact on the entering and leaving of the village.
- There are only 7 busses that leave the village per week; this does not constitute good public transport.
- A new bus stop does not improve the village's extremely limited public transport.
- There needs to be improvements to services, facilities and connectivity within the village.

4 June 2019

Amendment does not overcome previous objections. Questions if the SuDS will work as the pond is on chalk soil. Also questions if there will still be space for the 215 dwellings.

18 February 2020

States:

"It is particularly important to note that the proposed development would be sited on prime agricultural farm land, which could never be returned and which would compound the universal environmental problems that already exists with the supply and movement of food in our country

Any development of this site would clearly result in the loss of open and historic views across neighbouring farm land, destroy the associated wildlife, flora and fauna and be a yet further erosion of our rural village character. This site is on a major gateway into our village and in contradiction to the developers masterplan would neither:

- Complement the character of our village (there is no similar development within our village)
- Reduce, rather than enhance the local distinctiveness not least because of the further erosion of the 'separation' between Isleham and Fordham)

We therefore feel that the erection of dwellings within this location, which comprises a predominantly open and rural setting, would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominantly rural character of the countryside setting and detrimentally impacting views into and out of the village. The proposed development would create significant and demonstrable harm to the character and appearance to the area and is contrary to Policies ENV1 and ENV2 and paragraphs 14,17 and 55-68 of the national planning framework.

We do appreciate that East Cambs District Council have a target to find 18,000 new houses, across the district but we do believe that this should be achieved in a proportionate manner and where there is an identified need and not just because land owners are willing to sell! ECDCs own 2015 estimation identified the need for 260 houses to be built in the village by the year 2031. As you can see from the summary below we have already achieved this target with over ten years to spare!

In November 2019 we undertook our own Housing Needs Survey and given that there are already a substantial number of similar properties for sale in Isleham we do not feel there is the need to lose yet another rural part of our village to development. The website www.rightmove.co.uk identifies 41 houses already for sale in the village and this at the start of January, when the market is typically low. The vast majority of these houses are being sold for a price extremely similar to this particular application. We would suggest once again that such a development would be completely out of proportion to both the neighbouring properties as well as the needs of the village and would undoubtedly have a detrimental impact on the value of other properties within the village

The infrastructure of our village is already at breaking point. Isleham already experiences significant drops in water pressure and challenges with other utilities including regular power cuts.

The connectivity between Isleham and other towns and villages can be described as limited at best. The village is served by just one bus a day, there is just one shop (which already causes major problems with parking) and the school is running at capacity with some families already having to transport their children to schools in neighbouring towns and villages. There are VERY limited employment opportunities within the village with the vast majority of adults having to travel to neighbouring towns and cities further adding to congestion and pollution.

At the very initial IPC / Gladmans consultation meeting, Gladmans repeatedly stated that they regarded Isleham as a semi-rural village and that they would not propose an urban development, yet this is exactly what they are proposing

We remain particularly concerned about the lack of clarity in this application. Before any consideration by the planning committee we would expect:

- clarification of the total number of houses application is being sought for. The cover sheet indicates that the application is for 215 homes, where-as the masterplan states up to 150 new houses !?
- an opportunity to respond to details of the housing types including numbers of each type, height levels, exact numbers of affordable housing

- clearer site plans. Gladmans plans for example do not include or reference the impact of the current construction of 9 houses at 4 Fordham Rd (18/01482) or the 9 already approved for the adjacent plot (18/00467)
- clarification of the reasons why CCC highways have removed the idea of a 3m cycle lane to be part of this development (this was perhaps the one redeeming feature of the proposal)
- clarification of transport data including
 - why 9 year old data is referenced i.e. 1.7% of trips were via railways? This particular figure is highly unlikely as although the village is within the vicinity of three railway stations, the assessment fails to reference that the nearest is 5.5 miles away and that there is no public transport to this (or any other rail station)
 - why it is deemed necessary to include a new bus stop (all-be-it welcome) when there is just ONE bus per day
 - the Fordham Rd recorded vehicle speeds when the 60mph zone only comes into effect at the approx. point of entry into the site. (to the immediate north of this proposed junction is a 30mph zone – yet the recorded speeds are identified as being 43mph)

Should the Planning Committee ultimately decide to approve this (or subsequent) applications then the Parish Council would wish there to be a number of conditions including

- a removal of ‘permitted rights of development’ which would otherwise leave us at even further risk of houses which are neither needed or out of keeping with the character of our village
- the establishment of a new 30mph zone on Station Rd
- traffic calming methods with the development to reduce the risk of other residents using the estate as a *rat-run* between Fordham and Station Roads”

17 March 2020

Restates its previous comments from February 2020.

Chippenham Parish Council – 9 April 2019

It objects to this proposal due to the impact it will have on traffic coming through Chippenham.

Points out that Chippenham High Street is already a rat run for traffic between Isleham and A14/A11 and all developments in surrounding villages are significantly adding to traffic in Chippenham.

Middle Fen and Mere Internal Drainage Board – 26 March 2019

States they have no comment to make, though comments must be maintained by Lead Local Flood Authority.

Environment Agency – 15 April 2019

The site is designated as Principle Aquifer that provide a high level of water storage and is designated for public water supply.

The site is highly sensitive in regards to groundwater receptors.

Agrees with the developer's specialists that a phase 2 ground investigation is required to assess the risks posed by the development. It believes that it would be unreasonable burden to require more detailed information prior to granting permission.

It seeks a planning condition to ensure remediation strategy. It also seeks a separate condition to ensure the verification that the remediation strategy has been successful.

It also seeks conditions in regards to SuDS, piling and waste management.

Lead Local Flood Authority – 9 April 2019

It objects to this application as the site is located within a Source Protection Zone 1. With any activity in this area posing a risk to groundwater contamination permission is first required.

It then provides alternative drainage strategies if the Environment Agency deny permission.

16 March 2020

States:

“ We have reviewed the following documents:

- Flood Risk Assessment, Enzygo Limited, SHF.1132.188.HY.R.001.A. Dated: February 2019.
- Environment Agency Response, Environment Agency, AC/2019/128233/01-L01. Dated: 15 April 2019.

Based on these, as Lead Local Flood Authority (LLFA) we can now **remove our objection** to the proposed development...

In line with the Environment Agency's advice, it is recommended that an extension SuDS treatment train is provided to manage risk of pollution to the receiving groundwater. Surface water treatment measures are particularly important at this site, given that it is located in Source Protection Zone 1 and above a principle aquifer. Groundwater has been recorded at a depth of 8.8 metres below ground level, which will enable a sufficient clearance/ unsaturated zone between the base of infiltration features and the water table.”

Seeks conditions in regards to surface water drainage and long term maintenance.

Anglian Water – 24 April 2019

States that its assets are close to and/or crossing the site.

The site is within 15 metres of a pumping station that could put at risk future occupiers from odour, noise or general disruption.

The site layout will need to take into account these constraints.

Isleham Water Recycling Centre will have capacity for foul water.

It seeks a condition in regards to a phasing and/or on site drainage strategy. With surface water being disposed of via a sustainable drainage system.

It also seeks a condition requiring foul water drainage works.

Housing Section – 1 April 2019

Seeks 30% affordable housing and a split between 77% rented and 23% shared ownership.

Provides additional advice on ensuring a proportion are built to Lifetimes Homes Standard, designed to at least meet minimum floor space standards, that no cluster of affordable units should exceed 15 and provides advice on S106 drafting.

Environmental Health – 21 March 2019

Additional comments will be provided by the Scientific Officer in regards to contamination and air quality.

Seeks conditions in regards to construction times and the requirement of a Construction Environmental Management Plan (CEMP).

Does not believe the proposed development will be detrimentally impacted from the neighbouring farm (Wayside Farm).

States:

"I have read the Noise Assessment produced by Noise Consultants Ltd referenced J1053A/1/F5. It is a thorough report and I do not fault the methodology used. The report demonstrates that at measurement locations 3,4 and 5 acceptable internal levels can be met with a partially open window.

These locations run along the centre of the proposed site from north to south. Measurement position 1 (on the western edge of the site) and 2 (to the eastern edge of the site) are not able to meet acceptable internal levels with a partially open window. I am aware that the LPA would not look to support an application which cannot meet internal levels with a partially open window and therefore there will need to be some form of mitigation/alteration to the site. The report suggests that it is possible for internal levels to be achieved at positions 1 and 2 if consideration is given to sensitive room placement, i.e. if bedrooms are positioned to the rear of dwellings so as not to face the road. Alternatively/additionally, the dwellings closest

to the road could also be repositioned further back in order to bring internal levels down. The report also mentions acoustic fencing but I would not expect this to have an effect on internal levels unless the fence is particularly tall or the dwellings along the western and eastern extremes of the site are bungalows.

With regard to external levels there are similar results where locations 3, 4 and 5 are able to achieve levels under 50dB but locations 1 and 2 exceed this. The report suggests orientating the site so as amenity areas are shielded from the road by the dwelling they serve. I would expect this to be sufficient to bring external levels down to acceptable levels. Alternatively/additionally, the report suggests an acoustic fence at the Eastern and Western site boundaries and/or close to the boundary lines of the external amenity spaces.

In summary, whichever mitigation is utilised I would want to see an updated noise impact assessment to demonstrate that the chosen method will be effective in bringing both internal and external noise levels down to acceptable levels.”

Environmental Health (Scientific Officer) – 17 April 2019

Confirms they have read the submitted Phase 1 investigation report and accepts its findings. A Phase 2 ground investigation is required and therefore recommends the standard contamination conditions.

Has also read the Air Quality Assessment and accepts there will be no significant impacts on air quality. On this basis no air quality related conditions are required.

County Planning, Minerals and Waste – 9 April 2019

Requests a pre-commencement or reserved matters submission condition to provide a Detailed Waste Management and Minimisation Plan.

Waste Strategy (ECDC) – 21 March 2019

Standard advice in collection of waste, RECAP guidance and provision of bins.

Cambridgeshire Archaeology - 26 March 2019

Highlights the high archaeological potential and on this basis seeks an archaeological investigation prior to the granting of planning permission.

21 January 2020

States:

“Please be advised that the archaeological evaluation undertaken at this site late last year has been completed. A report of results has been received and reviewed.

While sufficient evidence indicating that part of this development area had been used for clunch extraction (for stone and lime making) in the Medieval period, consistent with numerous sites on the chalk in the parish, no further work is required in advance of construction at this site.

The archaeological contractor will prepare the archive for deposition in the county archaeological archives facility and arrange the Transfer of Title of the artefacts that are to be retained accordingly.

Meanwhile, the archaeological condition can be discharged upon application to you by the developer/agent to do so.”

Local Highways Authority (Transport Assessment) – 26 April 2019

Provides detailed advice and concludes that the application has not submitted sufficient information to properly determine the highway impact from the proposed development.

28 January 2020

States:

“Site Access Strategy

It is noted the site will be served by two vehicular access points; a new priority control junction off Station Road, and a new priority control junction off Fordham Road. It is noted 3m wide shared footway/cycleways will be provided on both sides of each access road and along both the eastern and western site frontages.

Pedestrian and cycle access will be provided at both site accesses. An additional pedestrian/cycle access will also be delivered to the south of the Station Road site access junction to provide a convenient link through to Fordham Road for existing residents situated in the dwellings south of the site.

It is noted car and cycle parking provision at the site will accord to the parking standards set out in the East Cambridgeshire Local Plan.

Capacity Assessments

The assessment year scenarios used within this assessment are agreed.

Junction capacity assessments were undertaken for the following junctions using Junctions 9 software. This is agreed:

Mill Street/Fordham Road

- Station Road/Proposed Access
- Station Road/B1102 Fordham Road
- Isleham Road/B1102 Mildenhall Road/Collins Hill
- Fordham Road/Proposed Access

All junctions are anticipated to operate within capacity under all assessment scenarios.

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.

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

31 January 2020

It does not object to the proposal subject to the impact of the site being mitigated via:

- Prior to first occupation a Residential Travel Plan being agreed.
- Prior to first occupation four new bus stops (two on Station Road and two on Fordham Road).
- Prior to first occupation 2m wide footpaths provided between Fordham Road access and 19 Fordham Road and between 6 and 8 Station Road.

2 March 2020

Provided confirmation that the bus service would be willing to stop at the new bus stops, the bus stop works could be accommodated entirely within the highway and that with no shelters proposed the maintenance of this work is covered by the County Council.

Local Highways Authority – 14 May 2019

Places a holding objection on this site on the grounds of:

1. The developer has not demonstrated sufficient information to demonstrate it will not have detrimental impact on the functioning of the highway or the safety of its users.
2. No suitably scaled plans have been submitted.

7 April 2020

States:

“ The Highways Authority has no further objections to this application subject to the following comments, conditions and Informatives being attached to any permissions the planning authority is minded to grant.

The new junctions have the correct visibility splays and are laid out to CCC standards.

Whist this is an outline application with access only I would note that the indicative estate road layout would not be to an adoptable standard. I would further note there is a significant amount of internal carriageway which is over and above what would be considered reasonable and required. Internal roads should be designed to 20mph not 30mph and above.

Recommended Conditions

HW2A – Prior to first occupation the internal estate roads and footways will be constructed to at least binder course level

HW22A – no private surface water shall be permitted to be discharged on to the adopted highway

HW23A – no development shall take place until the future maintenance and management of the internal estate roads have been submitted and approved”

Growth and Development Team (County Council) – 17 April 2019

Confirms that the demand for early years and primary school spaces is beyond the capacity that Isleham can provide and is seeking contributions towards a new school in the southwest of Soham.

In addition without capacity in Soham Village College to accommodate the additional school children, it seeks a contribution to provide a 1 form entry expansion to Soham Village College.

With Soham Library not having capacity for the additional proposed people a contribution is requested to reorganise space and provide more shelving/resources within the library.

10 March 2020

Is seeking an estimated contribution of £2,127,992 which breaks down to:

- £308, 880 towards early years (new school in Isleham).
- £1,050,192 towards primary (new school in Isleham).
- £764,000 towards Soham Village College.
- £4,770 towards the mobile library service.
- £150 monitoring fee.

Explains currently that:

- Current capacity for early year years is 32.5, whereas future capacity requires 46.5 spaces.
- Primary school spaces is already in deficit of 85 spaces and the proposal will make the deficit 136 spaces. A new primary school is being sought in Isleham, though if this is not achievable there is a contingency project in Soham.
- There is currently a deficit of 312 Secondary school places and the proposal would increase this deficit to 344 spaces.
- The libraries and lifetime learning is based on a base rate of £15 per head to help mitigate the existing under capacity in the library and lifelong learning service within the village.

12 March 2020

Following a question from the Case Officer County confirmed that while this site had been considered for providing a new primary school, this site has not been taken forward and on this basis only a financial contribution is sought.

25 March 2020

States, following the reduction of dwellings from 127 to 110:

“The requirement has not changed, just updating the figures.”

ECDC Trees Team – 11 April 2019

Raises concerns in regards to the scale and density of the proposal, as will be out of keeping with the surrounding landscape.

The use of hedging will not make the development acceptable, as a more open development with sightlines will be beneficial.

20 February 2020

Previous comments 11/04/2019 raised no concerns for arboricultural reasons, more related to landscaping and assimilation of the development into the surrounding area.

The concerns raised in terms of the boundary hedging appear to have been addressed with the various proposals indicating new tree planting through the site - this detail needs to be clarified in a robust landscaping scheme.

No Objections - robust landscaping scheme to be conditioned.

20 February 2020

Concludes that they have no objection but seeks a robust landscaping scheme is required.

19 March 2020

States:

“The site is under agricultural management and therefore devoid of any trees of significance within the main body of the site with any treed vegetation being within the boundaries.

There is no arboricultural reasons to object to this application however a robust and diverse landscaping scheme will be required which incorporates feature trees achieving up to 10 – 12m and trees with all round interest within the urban realm.”

Landscape Consultant (Alison Farmer Associates) - May 2019

Reviewed the LVIA and concludes that:

“Summarised as follows:

- Views and visibility of the proposed scheme have been underestimated. The introduction of properties which are 2.5 storeys in height will increase visibility from the wider landscape and alter perceptions of a small compact village.
- The susceptibility of the site to development has not been adequately assessed – greater understanding of the role of the site in providing a setting, transition approach routes and gateways is needed.
- The CLG have not been followed sufficiently to create an appropriate new edge to the settlement – the principles of CLG could be used to create and distinguish between different parts of the site and avoid straight edges to new development which are not characteristic.”

The northern and eastern parts of the site have greater capacity to accommodate well designed development. The southern and western areas continuing to reflect the character of rural/agricultural.

Continues to state if housing is considered appropriate it is strongly recommended:

“

- Creation of new gateways and distinctive sense of arrival/gateway in keeping with character of the village – distinguishing between the character of approaches between Fordham and Station Roads.
- Creation of a new transitional and filtered edge to the settlement. This may incorporate smaller pastures, areas of parkland character and informal open space and rural farm complexes at the fringes of the village.
- Views to the church on approach and within the scheme in terms of site layout/road layout in order to reinforce sense of place.
- Integration of any development with current allocations and permissions ensuring a more strategic look at physical and perceptual connections to ensure development reads, and is experienced, as part of the village and not an add on self-contained extension.”

10 March 2020

States:

“I note the following changes:

- Introduction of paddocks to the southern boundary of the site. This takes onboard the comments made previously about the smaller scale pastures on the fringes of settlements to create an appropriate edge. This is an improvement although it is noted that the geometry of the paddocks is very regular and that the paddocks lie beyond the red line application site which may present difficulties in terms of control and long term permanence of this type of landscape buffer.
- The removal of the central pedestrian route between the houses. The problem with this central route was in part due to the current layout and masterplan of the site. Whilst its removal solves the problem of creating a route between the backs of houses it does not solve the wider masterplan problems such as road geometry, housing layout and the streetscape which is likely to be weakly defined.
- The pulling back of houses towards Fordham Road which is an improvement and retains a more rural/agricultural character to this side of the settlement, approach route and gateway. However, you have mentioned that a primary school may be located to the south of the site – certainly any development occurring to the south of the site, such as a primary school, is likely to substantially undermine the benefit of pulling development back away from the Fordham Road. If a primary school is to be put forward in this part of the village then a detailed masterplan for the housing scheme and school should be developed together to ensure landscape sensitivities are considered in the round.
- Creation of less formal open spaces with wild flower grassland rather than mown amenity grassland - this will be more appropriate for a village/edge location and biodiversity although a clear specification and management plan will be needed.

The effects of the proposed scheme should be considered in relation to landscape/townscape effects in terms of a) the surrounding area and edge of the village and b) positive place making. The effects on the former have been mitigated to some degree due to the integration of repetitive 'gaps' or 'breaks' in built form along Station Road and the pulling back of development along Fordham Road as well as the addition of smaller scale paddocks on the southern fringes.

Nevertheless the effects of a gateway building close to Fordham Road, three houses in the 'gap' on Station Road between numbers 8 and 27 and the access arrangements into the site, are still likely to have localised adverse effect on landscape/townscape character. In relation to the latter, I have reviewed the access drawings and note that the road and footpath arrangements do not correspond with the masterplan and appear formal. These arrangements are likely to have an urbanising effect on the character of the approach routes into the village. As I mentioned before the general pattern of road junctions within the village are oblique rather than at 90 degrees although I appreciate there may be highway requirements which are dictating this. In terms of footpath arrangements the proposals appear very standard with little thought given to reducing road width, need for two footpaths or just one, or locating footways set back from the road with grass margins/street trees/hedgerow. There appears to be little attempt to create a strong street scene or one which reflects the rural village.

It is noted that the maximum housing numbers for the site have been reduced to 127 and that the application is only outline. It is also assumed that the proposed housing layout and design is regarded by the applicant to be the best that can be achieved for this site. Although there has been some improvement to the scheme I still have concerns regarding the road geometry and housing layout and the streetscape which is likely to be weakly defined (the mix and layout of housing and garages continue to appear jumbled), and pedestrian routes/desire lines, vistas and landmark buildings which appear poorly conceived. On this basis it is my view that the proposed scheme would not result in a well-designed extension to the village, it would not contribute to local character and sense of place (despite the proposed embedded mitigation) and is likely to give rise to adverse effect overall."

Fire Service – 24 May 2019

Seeks fire hydrants to be provided either via a condition or as part of the S106 Agreement.

Cadent Gas Ltd - 22 January 2020

States:

"An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-beforeyou-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.”

Ward Councillors - No Comments Received

Parks and Open Space - No Comments Received

Infrastructure & Strategy Manager - ECDC - No Comments Received

C P R E - No Comments Received

Design Out Crime Officers - No Comments Received

NHS England - No Comments Received

5.2 Neighbours – A site notice was put up on the 3 April 2019 and a notice published in the press on the 28 March 2019. 51 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council’s website.

36 Station Road - 10 April 2019

Has written in with an extensive letter outlining their concerns.

The concerns raised cover:

- New dwellings should be built near to where people work (Cambridge, Bury St Edmunds and Ely).
- Growth in Isleham is too large for services/infrastructure to cope.
- Brownfield within the UK should be used first before the further loss of the countryside.
- The loss of agricultural land and the impact on the economic output of the area.
- Outside development envelope
- Will lead to a significant amount of additional vehicles. Traffic calming is needed already on Fordham and Station Road.
- Raises highway safety concerns and seeks a traffic count to be undertaken at peak times.
- School in Isleham is at capacity and there is no way to expand it. Also raises traffic concerns in regards to dropping off and picking up children.

- Development has a too high density.
- Proposed design is unattractive and not in keeping with the area.
- Lack of affordable dwellings.
- Proposed play area and green spaces are not needed, as the Beeches Centre is nearby. New play areas will lead to noise pollution to both existing and future residents.
- The south of the site should be woodlands to screen the development from view.
- Detrimental harm to existing properties residential amenity.
- Harm to biodiversity.
- No police presence within the village.
- Lack of medical provision in the village and local area.
- Does not agree about the potential economic benefits to the village that the developer states.
- Lack of public transport.
- Village character should be protected and settlements should not just become

28 Station Road – 26 March 2020

Objects on the grounds of:

- Existing traffic issues.
- Highway safety.
- Lack of infrastructure or services to cope with new dwellings.

32 Station Road – 10 April 2019

Objects to the proposal on the grounds of:

- Not part of adopted Local Plan
- Dwelling increase greater than that set in the adopted 2015 plan.
- On agricultural land and is outside the local building guidelines.
- Block their views of countryside.
- Roads not designed to accommodate this level of traffic.
- Local infrastructure and services could not be able to accommodate this level of growth, specifically school.
- Limited bus service.
- Loss of biodiversity.
- Harm to their residential amenity.
- Detrimental harm to character of the area and visual appearance of those entering the village.

11A Station Road – 10 April 2019

Objects on the grounds of:

- Does not comply with local plan.
- Will local infrastructure cope?
- Land is green belt and not wasteland.
- Lack of retail space within the village.
- GP and education services will not cope with additional demand.
- Loss of village character for Isleham.

51 Waterside – 9 April 2019

Objects on the grounds of too many dwellings in Isleham with no decent access road.

13A Station Road – 9 April 2019

Objects on the grounds of:

- Not allocated in the Local Plan.
- Loss of countryside view.
- Highway capacity/safety issues.

1 Fordham Road – 2 April 2019

Objects on the grounds of:

- Highway safety and capacity.
- Lack of GP and school space.
- Too many dwellings within the village.
- No safe path or cycle route between Isleham and Fordham.
- Loss of agricultural land.
- Loss of biodiversity.
- Harm to fen character.

5A Fordham Road – 3 March 2020

Objects on the grounds of:

- Traffic (including noise and speeding).
- Transport network will not cope with additional large amounts of traffic.
- Services/facilities will be stretched to the limit.
- Harm to biodiversity.
- Drainage.
- Loss of views and tranquillity.

33 Silver Street Burwell (owner of 6 Station Road, Isleham) – 18 November 2020

Raises concerns in regards to:

- The size of the development
- Loss of residential amenity
- Loss of property value
- Loss of farm land and site is outside village framework
- Increase in traffic
- Damage to biodiversity

16 February 2020

Objects to the proposal as this house was bought adjacent to fields that were outside of the village framework and not allocated for housing in the local plan.

Isleham has already provided its requirement for new dwellings.

Also raises concerns in regards to property value, loss of view, change in local character, impact on biodiversity and increase in traffic.

30 March 2020

Still objects in regards to:

- Lack of infrastructure
- Harm to biodiversity and character of the area.
- Green spaces will attract noise, light pollution and rubbish.
- Loss of property value.

6a Station Road – 1 April 2020

Objects on the grounds of:

- Harm to residential amenity.
- Road system will not cope with development.
- Lack of village amenities.
- Their property is not accurately plotted.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 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 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents Design Guide Developer Contributions and Planning Obligations Cambridgeshire Flood and Water Contaminated land

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

7.3 The site is located adjacent to the village framework both on the northeast and southwest corners. The majority of growth within the District is focussed within the market towns of Ely, Soham and Littleport. However, growth is expected in smaller settlements, to enable the Council to meet its housing demands. The village of Isleham lies 9 miles south-east of Ely and 6 miles north-east of Newmarket and has a reasonable range of services including several pubs, a village shop, primary school, recreation ground and churches.

7.4 It is not considered possible for the village to adapt to become self-sufficient within the foreseeable future. Paragraph 78 in the NPPF does make it clear that new housing can make villages grow/thrive and help support local services. It also makes it clear that services in one settlement can help support neighbouring settlements.

7.5 It is noted that services within Isleham are running at or beyond capacity due to the continued growth within the village, specifically the village primary school that includes early year provision.

7.6 It is considered that the application is acceptable in principle, due to its close proximity to the village settlement, in terms of its sustainability. However, the proposal is fully assessed in greater detail below.

7.7 Highways

- 7.8 The developer has had ongoing discussion with the Council's Transport Team over the past year in relation to impacts of the proposal on the highway network, which led to the County's concerns being overcome on the 31st January 2020 subject to conditions in regards to:
- Residential Travel Plan
 - New bus stops on Fordham and Station Road.
 - New 2m wide footpaths along Fordham and Station Road.
- 7.9 The submitted transport information considers the impacts of traffic heading to Fordham, heading towards the A142 and the impacts on Chippenham.
- 7.10 With no objection from the Council's Transport Team who have expertise in interpreting this data, it would be unreasonable to refuse the application on detrimental impact to the traffic flow and impacts on the highway network.
- 7.11 The improvements that would come with the recommended conditions are considered acceptable, as they relate to the development and are required for the proposal to add to the sustainability of the area by ensuring future residents have access to non-motorised and public transport. However, it is noted that the provision of additional bus stops does not necessarily increase the number of busses going through the village.
- 7.12 The proposed application seeks access to be determined and proposes two accesses, one onto Station Road and one onto Fordham Road. The Addendum Transport Assessment January 2020 included a drawing (Z841_PL_SK_200) that showed along Fordham Road a visibility splay of 2.4m x 215m is achievable, which is suitable for this size development onto a 60mph road. On Station Road it is only possible to achieve 2.4m x 160m spays to the south, though this exceeds the visibility splays required for a 40mph by 40m. The visibility splay looking to the north along Station Road exceed this by an even greater margin.
- 7.13 With both access routes being 6m wide with two 2m wide footpaths, with suitable footpaths leading to the development there is no concern over highway safety.
- 7.14 This is supported by the latest view of the Local Highways Authority (7 April 2020), who no longer have an objection to the proposal. The recommended conditions can be added.
- 7.15 With a low density it is considered possible that a layout/design can incorporate sufficient parking for both cars and cycle in any future reserved matters application(s) in accordance with policy COM8 of the Adopted Local Plan.
- 7.16 The proposal is considered to comply with policies COM7 and COM8 of the Adopted Local Plan 2015, subject to the conditions as recommended by the Local Highways Authority.
- 7.17 Visual Amenity
- 7.18 The site forms a key entrance when entering and leaving the village along Fordham Road, as it provides an important visual transition between the built form of the

settlement and the wider flat fen landscape. Along Station Road there are rows of houses that are located on alternative sides of the road, this arrangement leaves visual breaks between the dwellings along Station Road. These provide important links between the countryside on the east and west of Station Road, which gives this area a rural streetscene rather than suburban.

- 7.19 The number of dwellings (originally up to 215 dwellings) and landscape proposed as part of this development has been reviewed and amended following conversations between the developer's and Local Planning Authority's landscape consultants. The Local Planning Authority's landscape consultant provided her final formal comments on the 10 March 2020 (see above) on the amended illustrative master plan (drawing number 1928-100-P2, amended on 2 March 2020), which was for up to 117 dwellings. The landscape consultant concluded:
"it is my view that the proposed scheme would not result in a well-designed extension to the village, it would not contribute to local character and sense of place (despite the proposed embedded mitigation) and is likely to give rise to adverse effect overall."
- 7.20 This view was agreed with as it was considered that too many dwellings were being sought on this parcel of land. While the northern section of the site would be able to accommodate a large number of dwellings, along the southern boundary any new dwellings are likely to lead to detrimental harm on the overall character of the area. This harm is caused by the loss of visual transition between the settlement and countryside as it would provide little opportunity for suitable landscaping within the development (including maintenance space for future SuDS) and will break the visual link between the countryside to the west and east of Station Road.
- 7.21 To overcome this concern the developer has removed 17 dwellings from its maximum proposed number and is now seeking permission for up to 110 dwellings. The loss of 17 additional dwellings (as well as indicatively the areas that should remain undeveloped) were discussed between the Case Officer and the Landscape Consultant. This view was then passed onto the developer, who amended the application. .
- 7.22 The new proposal for up to 110 dwellings (illustrative masterplan 1928-100-P3) maintains a large amount of open space along the southern boundary of the site and in addition provides additional planting, as well as open space, to the south of the site to help provide further soft landscaping to help assimilate the development into the wider fen landscape. This will help ensure the proposal meets with the Landscape Consultants advice, by allowing important visual breaks by allowing visual breaks along Station Road, open space along Fordham Road and the ability to provide layers of planting along the southern edge of the site. It must be noted that any reserved matters will need to demonstrate a high quality design both in built form and landscaping and this might require a final dwelling number below the 110 dwellings for which permission is sought. A future reserved matters will also need to ensure that it meets the balance between good design and highway safety.
- 7.23 It is considered that these amendments have reduced the level of visual harm to a level where it would be unlikely to cause detrimental harm, whilst still providing new homes, with a significant reduction in the overall number from what was originally submitted. It is considered that there may be a moderate local harm to the overall

landscape character of the area, but this could be partially mitigated by the provision of open space and landscaping, in accordance with the proposed masterplan submitted. On this basis, it is considered that the proposal, on balance, meets the requirements of policies ENV1 and ENV2 of the Adopted Local Plan which seek to protect and conserve the landscape.

7.24 Residential Amenity

7.25 With the layout, design and scale not being agreed at this stage it is not possible to provide a detailed assessment in regards to residential amenity. However, with a relatively low gross density (13 dwelling per hectare/5.2 per acre) it is entirely possible for a future developer to come up with a suitable scheme that will protect residential amenity and separation distances for both future and existing residents in accordance with the Design Guide SPD. In addition suitable plot sizes, built form within the plot and private amenity space for future residents should be able to be secured, in accordance with the Design Guide SPD.

7.26 It should be noted that some of the concerns raised by neighbours in regards to private views of countryside and property values are not material to the determination of a planning application.

7.27 Conditions are recommended to ensure that construction work takes place with suitable care (Construction Environmental Management Plan, potential for piling foundations and hours of work) and that the site is fully investigated for potential contaminates.

7.28 Subject to the recommended conditions, the proposal is considered to comply with policies ENV2 and ENV9 of the Adopted Local Plan.

7.29 Education and other services

7.30 Cambridgeshire County Council as the Education Authority have noted that Isleham Church of England Primary School is over prescribed and is seeking a new site within Isleham to provide a new school. The primary school also provides a pre-school. It is noted that this primary school does not have room to expand any further on its existing site.

7.31 The developer was suggesting that land could be provided adjacent to the application site for a new primary school and pre-school to be located. However, the County Council are not seeking this as a potential site and is just seeking an education contribution that the developer has agreed to pay via a S106 Agreement. The development would, therefore, lead to a neutral impact upon the early years/primary education in the medium to long term; though is likely to have a minor to moderate adverse impact in the short term while school spaces are created. The developer has also agreed to pay towards libraries/continues learning and secondary education to mitigate the additional school places required to accommodate the dwellings proposed.

7.32 If a site cannot be found in Isleham for a primary school, then the financial contribution would go to provide additional education spaces in Soham. However, the education contribution should be first sought to be spent in Isleham as making

early years and primary school children travel to Soham would have a negative impact upon the sustainability of the village.

- 7.33 NHS England have not provided any comments on this application within the past year. However, improvements to the Staploe Medical Centre in Soham are listed on the Council's Infrastructure List and therefore the Community Infrastructure Levy (CIL) contributions from the development can help to mitigate this aspect.
- 7.34 The request of the fire service to provide fire hydrants on site can be accommodate via a condition.
- 7.35 While an increase in the number of dwellings will add to the pressure on some services, this also provides more people in a community to help support services/facilities; for instance village pub and bus service.
- 7.36 The Parish Council will also receive part of the CIL funding in order to help improve or provide infrastructure projects that are important to the local people.
- 7.37 The proposal subject to the completion of a S106 and the payment of CIL will not have a detrimental impact upon infrastructure/services of the district and on this basis complies with policy GROWTH 3 of the adopted Local Plan.
- 7.38 Housing Mix
- 7.39 The proposal due to its size is required to provide space for self build units (at least 5% of the total number of dwellings) and at the reserved matters the proposal will need to provide a range of housing types including provision of accommodation that is suitable or easily adaptable for the elderly or those with disabilities. It is also expected there will be a range of 1 – 5 bedroom properties in any reserved matters application submitted to contribute to current and future housing needs. The developer will need to justify their proposed housing mix as part of the reserved matters application submission to comply with policy HOU1 of the Adopted Local Plan.
- 7.40 The provision of self builds can be secured via a S106 Agreement, while the housing mix will be secured when the layout, scale and appearance of the dwellings is considered in a reserved matters application.
- 7.41 In order to comply with policy HOU3 of the Adopted Local Plan the site will need to provide 30% affordable dwellings with a mix of 77% rented and 23% shared ownership. This will be secured via the S106 Agreement.
- 7.42 Flood Risk and Drainage
- 7.43 The site is located within Flood Zone 1 and on this basis is a location where residential development is considered acceptable in principle.
- 7.44 It is noted the Environment Agency is seeking to ensure that surface water is suitably dealt with and that any contamination is dealt with both before and during construction, as the site is an important source of drinking water.

- 7.45 The Lead Local Flood Authority have removed its objection, subject to conditions involving provision and maintenance of sustainable drainage measures (SuDS). While the provision will be dealt with via a condition, the long term maintenance will be included in the S106 Agreement.
- 7.46 Anglian Water have confirmed that Isleham Water Recycling Centre will have capacity for foul water. A condition in respect of foul water will also need to be appended to any decision to ensure appropriate infrastructure is put in place.
- 7.47 With surface water being able to be appropriately dealt with and with the site being in flood zone 1; it is considered that the proposal will not lead to an increase in risk to either existing or future residents in regards to flooding. On this basis it is considered to comply with policy ENV8 of the Adopted Local Plan, the NPPF and the Cambridgeshire Flood and Water SPD.
- 7.48 Historic Environment
- 7.49 The site is considered of sufficient distance from the historic core of Isleham and other listed buildings; in order to have no material effect on the built heritage of the settlement.
- 7.50 The comments from the County Council Archaeologists (dated 21 January 2020) are noted and accepted. The developer has investigated the archaeological potential of the site and the relevant artefacts are being secured by County Council. There is no additional requirement for the planning process to protect the heritage of the site and on this basis no condition is required.
- 7.51 The proposal therefore complies with the requirements of policy ENV14 of the Adopted Local Plan and the NPPF.
- 7.52 Ecology
- 7.53 The developer has submitted a 'Preliminary Ecological Appraisal', which states that the habitat survey was done at the optimum time. In addition it states that the site has very limited ecology on site. It recommends that biodiversity enhancements include a wildlife pond, new hedgerows are planted, an orchard is provided, bird/bat boxes and hedgehog holes are provided in fences.
- 7.54 A biodiversity improvement condition will be appended to any decision to ensure the recommended enhancement measures are secured and provided prior to first occupation and to ensure the proposal meets policy ENV7 of the Adopted Local Plan, by providing a net increase in biodiversity.
- 7.55 Other Material Matters
- 7.56 The loss of this agricultural land in a district that has a large amount of agricultural land is not considered to be significant enough to have any detrimental harm to either the overall food production of the area or the rural economy.

- 7.57 It is a benefit that the site will create more public open space, though this is primarily in order to mitigate against its own harm on providing additional pressure on local services. It may have a slight positive, due to the low gross density of the scheme and amount of open space being provided. The open space and ongoing maintenance will be secured as part of the s106 Agreement.
- 7.58 Planning Balance
- 7.59 The developer has continued to reduce the number of dwellings during the application process from up to 215 to up to 110 in order to find the acceptable balance between the need to provide homes for people and the impact on the character of the area. This has involved discussions between Case Officer, Landscape Consultant and the developer.
- 7.60 The benefits are that the proposal will provide up to 110 dwellings (with 30% affordable and 5% self build) at a time when the council cannot demonstrate a five year land supply. This will provide much needed homes to people seeking to stay or move into the area.
- 7.61 Through the inclusion of appropriate conditions the proposal will also lead to a net benefit in biodiversity and in the medium term is likely lead to a reduction in surface water flooding risk by providing SuDS within the site. These improvements would not have come about without the development, so are considered a benefit.
- 7.62 The provision of public open space is considered to be slightly positive. However, its provision is primarily due to the increased pressure that the proposed future residents will create.
- 7.63 There will be a short term impact to residential amenity, though this will be tempered by the use of conditions controlling how development takes place. The long term impacts on residential amenity should be relatively low, though this will need to be carefully considered in a reserved matters.
- 7.64 The improvements to sustainable methods of transport (bus stops and footpaths) are to mitigate the increased amount of people seeking to travel in the local area. On this basis they are considered to have a neutral impact when considering the balance of benefit/harm this development will create.
- 7.65 It is considered there will be at worst moderate harm to the landscape of the area, though the amount of potential landscaping and open space to be secured as part of the development will mitigate some of this harm.
- 7.66 The s106 Agreement will secure the open space and the ongoing maintenance of the SuDS and the open space alongside education and library/lifelong learning contributions to mitigate the proposal.
- 7.67 It is considered that the proposal will not cause significant and demonstrable harm; on this basis it is recommended for approval, subject to the recommended conditions and completion of a S106 Agreement.

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 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:
- No statutory objections.
 - Developer has reduced the number of dwellings significantly to overcome the concerns of the Council's landscape consultant and Case Officer.
- 9.0 APPENDICES
- 9.1 Appendix 1 – Recommended Planning Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00376/OUM	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Planning Team Leader 01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -
<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 19/00376/OUM Conditions

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

Plan Reference	Version No	Date Received
CSA/4066/107	A	20th March 2019
Z841_PL_SK_200	P02	28th January 2020

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of layout, scale, appearance and landscape; (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.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The

condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before first occupation.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment prepared by Enzygo Limited (ref: SHF.1132.188.HY.R.001.A) dated February 2019 and shall also include:

- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- b) Full details of the proposed attenuation;
- c) Site Investigation and test results to confirm infiltration rates;
- 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) Full details of the maintenance/adoption of the surface water drainage system;
- f) 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.

- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 7 No development shall take place until a scheme, including a phasing plan, to dispose of foul water has been submitted to and approved in writing by the Local Planning

Authority. The scheme(s) shall be implemented in accordance with the agreed phasing plan.

- 7 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 8 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.
- 8 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.
- 9 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 – 18:00 each day Monday-Friday, 07:30 – 13:00 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 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.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to the commencement of development or any reserved matters approval, a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority. The DWMMP shall include details of:
 - i) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction
 - ii) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste
 - iii) Measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site
 - iv) Any other steps to ensure the minimisation of waste during construction

- v) the location and timing of provision of facilities pursuant to criteria i) to iv).
- vi) proposed monitoring and timing of submission of monitoring reports
- vii) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development
- viii) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material
- ix) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles

The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details.

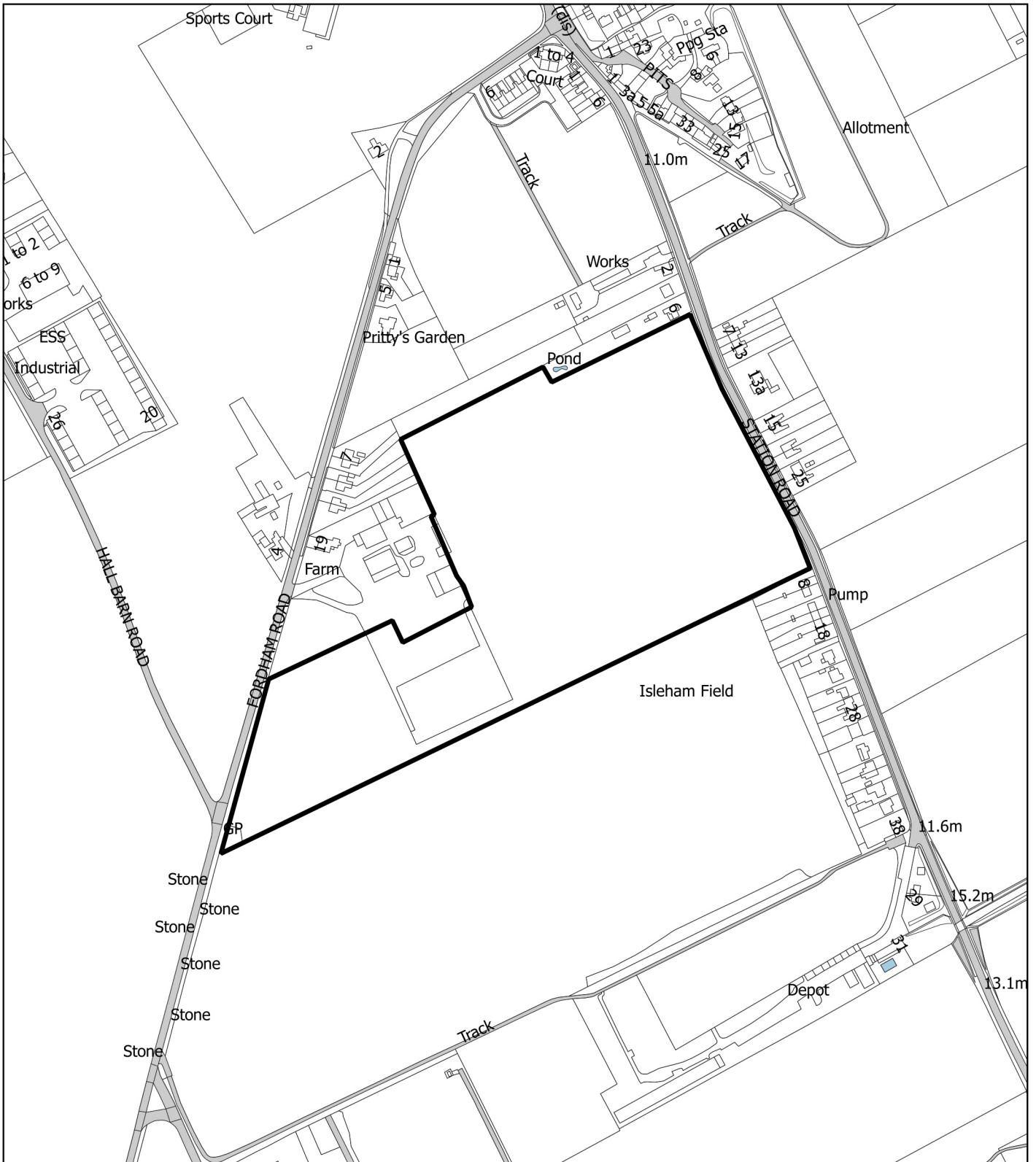
- 11 Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.
- 12 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.
- 12 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 13 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.
- 13 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015.
- 14 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 onto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

- 14 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 15 The hereby approved access roads onto Fordham Road and Station Road shall be built in accordance with drawing number Z841_PL_SK_200 Rev P02 prior to first occupation.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 Prior to first occupation visibility splays shall be provided each side of the vehicular accesses in full accordance with the details indicated on the submitted plan Z841_PL_SK_200 Rev P02. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 The accesses and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 17 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 18 Prior to the first occupation of the development a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the programme set out within the approved Travel Plan or any revisions to the Travel Plan that are first agreed in writing by the Local Planning Authority.
- 18 Reason: In the interests of sustainable movement in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 19 Prior to the first occupation of the development the details (broadly in accordance with Z841_PL_SK_200 Rev P02) of the four new bus stops (two on Station Road and two on Fordham Road) shall be submitted to and approved in writing by the Local Planning Authority. All four bus stops shall be completed in accordance with the approved details prior to first occupation.
- 19 Reason: In the interests of sustainable movement in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. This is a Grampian condition as the work is outside the site area and is within the public highway.
- 20 Prior to the first occupation of the development the footpaths along both Fordham and Station Road shall be completed in accordance with Z841_PL_SK_200 Rev P02.

- 20 Reason: In the interests of sustainable movement in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. This is a Grampian condition as some of the work is outside the site area and is within the public highway.
- 21 Prior to the commencement of development, a strategy for the facilitation of latest technology broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, open access ducting to industry standards to facilitate the provision of a broadband service to that dwelling, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.
- 21 Reason: To ensure that the needs of future residents to connect to the internet do not necessarily entail engineering works to an otherwise finished and high quality environment, and to assist community integration, economic vibrancy and home working, in accordance with Policies ENV2 and COM6 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; and to ensure that the opportunity to provide any necessary enabling works is not missed.
- 22 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.
- 22 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 23 Prior to occupation a scheme of biodiversity improvements based on the 'Preliminary Ecological Appraisal' submitted shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 23 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 24 With the first reserved matters application a scheme for the mitigation of noise shall be submitted to and approved in writing by the local planning authority. The scheme of mitigation shall ensure that noise levels do not exceed the noise criteria based on the current figures by the World Health Organisation Community Noise Guidelines Values/BS8233 as below:
- i. Living/dwellings rooms in daytime: 35dB LAeq, 16 hours;
 - ii. Outdoor living areas in daytime: 50dB LAeq, 16 hours;
 - iii. Inside bedrooms at night-time: 30dB LAeq, 8 hours (45dB LAm_{ax}).

The development shall be carried out in accordance with the approved scheme and no dwellings shall be occupied prior to its implementation and shall be retained as agreed thereafter.

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



19/00376/OUM

Land off
Station Road
Isleham



East Cambridgeshire
District Council

Date: 17/03/2020
Scale: 1:4,500



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MAIN CASE

Reference No: 19/01386/FUL

Proposal: Demolition of existing cottage and outbuildings and the erection of 4no dwellings and 1 replacement dwelling with 2 no. crossovers, shared surface access road and associated works

Site Address: Gosling Cottage 165 The Street Kirtling Newmarket Suffolk CB8 9PD

Applicant: Hamilton Developments (Newmarket) Ltd

Case Officer: Anne James, Planning Consultant

Parish: Kirtling

Ward: Woodditton
 Ward Councillor/s: Alan Sharp
 Amy Starkey

Date Received: 27 September 2019 **Expiry Date:** 26th March 2020
[U207]

1.0 RECOMMENDATION

1.1 Members are recommended to **APPROVE** subject to the recommended conditions set out in Appendix 1 of the report.

1.2 A summary of the conditions is detailed below:

1. Approved Plans
2. Time Limit
3. Parking and turning
4. Gates
5. Written Scheme of Investigation
6. Hours of Construction and Deliveries
7. Design of Bin Store
8. Boundary Treatment
9. Foul and Surface Water
10. Site characterisation
11. Unsuspected contamination
12. Fire Hydrants
13. Soft Landscaping
14. Hard Landscaping

15. Details of Materials
16. Arboricultural Method Statement
17. Bird Breeding
18. Biodiversity
19. External Lighting
20. Energy and Sustainability
21. Badger Survey
22. New Access Width
23. Construction of access

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks consent to demolish the existing cottage and outbuildings and erect five dwellings together with associated cartlodge/outbuildings, parking and access point on land at 165 The Street.
- 2.2 Two of the detached dwellings would front on to The Street with a set-back from the footpath of approximately 20m. New vehicular crossovers are proposed to serve Plots 1 and 2. A central access is also proposed to Plots 3, 4 and 5.
- 2.3 The accommodation comprises:

Dwelling No:	Accommodation	GIA sqm	Garden sqm
1	4 Bedrooms	121.4	230
2	5 Bedrooms	239	283
3	4 Bedrooms	196	256
4	4 Bedrooms	265	400
5	5 Bedrooms	288	312

- 2.4 The application has been accompanied by the following documents:
- Landscape and Visual Appraisal [September 2019]
 - Phase I Geoenvironmental Desk Study [agn Environmental 2019]
 - Arboricultural Impact Assessment [agn Environmental September 2019]
 - Ecological Assessment [agn Environmental September 2019]
 - Design and Access Statement [September 2019]
- 2.5 The application has been called in by Councillor Sharp for consideration by Committee as he feels the applicant has not done enough to comply with the Inspectors report on the previous application.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 **PLANNING HISTORY**

3.1

18/01303/FUL	Demolition of existing cottage and outbuildings and the erection of 6no. dwellings with 2no. crossovers, shared surface access road and associated works	Refused	08.08.2019
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4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The application site comprises an irregular area of land measuring approximately 0.49ha and benefitting from a 52m wide street frontage located to the south west of Kirtling village in the south of the district. The site currently supports a centrally located detached two storey cottage with a vehicular entrance located adjacent to the northern boundary.

4.2 There are 7 outbuildings located to the rear of the site which are in a dilapidated state and are due to be demolished. The topography across the site and the immediately surrounding area slopes gently towards the north-east. The site is enclosed by trees and hedging on all its common boundaries with an established linear row of housing to the north-east. Part of the site measuring approximately 62m in depth, lies within the development envelope of Kirtling.

4.3 There is a Public Right of Way (PROW No 25) which runs in part, parallel along the southern boundary much of the entire depth of the site. A Grade II Listed building (162 The Street) opposes the site to the north.

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 - 28 February 2020

Councillors are still of the opinion that the proposed amendments are inadequate, and do not deal with the issues raised by the Inspector in his report.

Specifically, that the 2 rear houses, and the garden for plot 3 appear to still be beyond the envelope and are exactly the same as the previous application dismissed on appeal by the Inspector.

The overall size of the site, and the houses proposed, is not in keeping with the rest of the Village.

There is some concern that the proposed properties to the front of the scheme may find it easier to back out onto the road which could be a hazard.

They would like to clarify the issue of the Village envelope and encroachment into the Countryside as this could have long term implications for the Village
Ward Councillors – 11th March 2020 I have decided to call this into committee, as I feel that it is one that requires further consideration.

I do not feel that the applicant has done enough to comply with the Inspectors report on the previous application 18/01303, especially point 19 of the inspectors report.

For that reason, I am asking that this matter be considered by committee.

Parish - 4 November 2019

The response of the Parish Council to the above Planning Application, in essence, remains the same as those made in relation to the previous application 18/01303/FUL. In that the depth of the proposed development from the Highway and the height of the rooflines are not in keeping with existing properties within the Village. The proposed changes to the new application are a nominal attempt to meet the objections lodged previously. However, the reduction in the depth of the scheme of 5 metres and the reduction of height to one property is not acceptable to the Parish Council who are therefore:

RESOLVED:- Not support the application

Local Highways Authority – 11/12 March 2020 – no objection

12th March 2020

Drawing 19-TSK-101_REV_C now indicates the materials proposed are acceptable and the ACO drain has been moved to within the site.

11th March 2020

Amended drawings have been received indicating I note that the form of crossover has been detailed and this is now acceptable.

The shading on Drawing 19-TSK-101_REV_B is unclear on the image, but appears to show some differential between materials being used in the footway crossing and verge crossing, with the latter appearing similar to that used within the site. It is unclear whether this is intended to be shown this way, as only one similar surface hatch is shown on the Key. The Applicant should be asked to clarify this. I would have no objections providing all works in the highway are in accordance with that shown in the key which references bitumastic materials in accordance with HERCS.

I Note that some of the ACO drains shown appears to be located within the public highway. This is not acceptable and must be relocated to be fully within the applicants land and should have some method of discharging any water collected.

Local Highways Authority - 15 November 2019 – No objection in principle however, request additional information regarding:

- the materials used on the vehicular access crossing the footway in accordance with 'Cambridgeshire County Councils current Housing Estate Roads Construction Specification'

- use of permeable block paving within the site, is not considered sufficient to prevent the runoff of surface water from private land onto the public highway; the driveways must therefore either drain away from the highway or be drained by an independent system that intercept runoff before it enters the highway.
- The central access serving the three dwellings will require a communal turning area in the vicinity of plots 4 and 5 to accommodate turning for delivery vehicles and fire tenders.
- Turning and parking within several of the plots appears awkward, particularly for dwelling 5.

ECDC Trees Team - 12 December 2019

The layout and loss of one TPO tree T10 in the Arb report T2 on TPO ref E/02/19 (Deodar Cedar) has been approved at appeal of application ref 18/01303/FUL.

Previous comments raised observations re the demolition and construction of the cart lodge, these details are included in the Tree Protection Plan dwg number PW3135.3:002 included in the Arboricultural Impact Assessment dated 11/09/2019.

As previous concerns have been addressed no further comments

Asset Information Definitive Map Team - 8 November 2019 – no objection
subject to informative

Please note Public Footpath 25 Kirtling runs adjacent to the application site.

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 you require a copy of the Definitive Map & Statement, this can be viewed at the County Council's offices in person or requested online for a fee at www.cambridgeshire.gov.uk/highwaysearches.

The Byway 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.

Cambridgeshire Archaeology - 13 November 2019

No objection subject to condition.

Environmental Health - 11 October 2019

This department has commented on the application site previously. The only amendment I would make is that for 5 dwellings a CEMP is no longer required.

Ramblers Association South - 15 October 2019

I refer to my comments on previous applications for this site, 18/01303/FUM and 18/01303/FUL and would advise you that I have nothing further to add. You will realise that my Association has no objection in principle to the redevelopment of this

derelict site, but we wish to ensure that Kirtling fp 25, which is in part, at least, within the site, is protected and improved if or when the development is carried out.

Waste Strategy (ECDC) - 30 October 2019 – no objection subject to informatives.

Conservation Officer – 10th March 2020 – No objection

No particular adverse heritage impacts were identified in the 2018 scheme and the appeal decision was largely centred on the encroachment of its curtilage into open countryside. The reductions in the density and site extent of the present scheme have no substantive impact either way in heritage terms so the previous stance still applies.

CCC Growth & Development - No Comments Received

Design Out Crime Officers - No Comments Received

Technical Officer Access - No Comments Received

Anglian Water Services Ltd - 10 October 2019

The Pre-Development Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, more than 0.5 ha.

As your query is below this threshold we will not be providing comments. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

Cambridgeshire Fire and Rescue Service - 31 October 2019

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.

5.2 Statutory Consultation – A site notice was erected on 15th October 2019 and the application was advertised in the Cambridge Evening News on 10th October 2019. Neighbours – 24 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- Other appeal decisions dismissed on the grounds of non-linear development
- Encroachment into countryside
- Harmful to character of streetscene
- Rural character of footpath changed
- Garages could be converted into additional housing
- Mix of housing not representative to cater for all ages wanting to live in the village
- New application not significantly different from the refused scheme
- Previous reasons for refusal therefore apply
- Outside development envelope/disruptive of the wider landscape setting

- Second access road not required
- Inclusion of 6 car garage for visitors is unnecessary
- Impact on setting of listed building
- Other housing schemes dismissed on appeal
- Unreasonably high dwellings
- Twenty new houses approved in the village in the last 2 years
- Scheme should be reduced to 2-3 dwellings
- Three entrances within 40m from a sharp bend
- Too large for young families
- Increase in traffic
- Impact on privacy of adjoining neighbours
- No affordable housing
- Minimise impact on biodiversity/net environmental gain
- Previous scheme was dismissed on appeal
- Poor design as garages have been sited in front of properties
- Creation of landlocked site
- Meadow to be created at the back of the site. What is going to happen to this

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational Strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of Growth
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV12	Listed Buildings
ENV14	Sites of Archaeological interest
COM 7	Transport impact
COM 8	Parking provision

Village Vision Kirtling

6.2 Supplementary Planning Documents

East Cambridgeshire Design Guide
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
 Flood and Water
 Developer Contributions

6.3 National Planning Policy Framework 2019

2 Achieving Sustainable Development

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

6.4 Planning Practice Guidance

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

7.0 **PLANNING COMMENTS**

The application relates to the resubmission of (18/01303/FUL) which related to a scheme for 6 detached two storey dwellings. The application was recommended for approval, however this was overturned by the Planning Committee on 8th August 2019. The application was refused for the following reasons:

1. The proposal by virtue of its scale, bulk and massing would result in a negative impact on the open countryside in this location which is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the objective of the NPPF.
2. Development in the vicinity of the site is predominantly linear with some small cul-de-sacs which extend backwards. The proposal would be contrary to the pattern of built form in the vicinity of the site by virtue of its depth of development and encroachment into the countryside. The proposal would therefore be contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the objectives of the NPPF.

The applicants submitted an appeal against the Council's decision as well resubmitting the scheme currently under consideration. The appeal decision is attached as APPENDIX 2.

In dismissing the appeal the Inspector did not agree with the Council's first reason for refusal in as much as the development would not have a negative impact on the open countryside. However, with regard to the second reason for refusal, namely the depth of the development and its encroachment into the countryside, he commented as follows:

' notwithstanding the lack of visual harm, the character of an area is defined by the sum of all the qualities which distinguish it. In this regard, the submitted red-line boundary plan and site location plan includes an extensive, elongated area of land which would extend to the rear of the dwellings associated with plots 5 and 6. There is nothing on the submitted layout plans to denote the rear boundaries of these plots, although the appellant has confirmed that both plots would benefit from extensive rear gardens which would ensure that the majority of the site remained open in perpetuity. Moreover, given this land is included within the appeal site, and the red-line boundary encompasses all the land to which the proposal relates, allowing this appeal for housing would necessarily authorise the use of all the land within the red-line boundary for the same purpose.

Whilst I appreciate that this land mainly comprises a former paddock, semi-improved grassland and other vegetation and trees. However, there would be nothing to prevent it from being used as outdoor amenity space in connection with the proposed dwellings. Consequently, the development would extend well beyond the rear boundaries of any of the properties on this side of The Street, and even though I find that the layout, scale and form of the buildings proposed in relation to the appearance of the surrounding area would be acceptable, the overall encroachment of the development into the countryside would be out of kilter with the more contained pattern of built form present locally.

Whilst the erection of outbuildings and structures for domestic purposes could be prohibited by the removal of permitted development rights, domestic paraphernalia such as seating, washing lines, children's play equipment and formal garden landscaping could not be effectively controlled in this manner. The use of the entire appeal site for the purposes of housing would represent a significant permanent encroachment into the countryside which would diminish the contribution the site makes to its verdant surroundings, thus undermining its intrinsic character'.

The application has therefore been considered, having regard to the appeal decision, and in addition to the amendments made to the original scheme.

7.1 Principle of Development

- 7.1.1 During the intervening six month period, the Council are still unable to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. Local planning authorities are also charged with delivering a wide choice of high quality homes and to significantly boost the supply of housing by identifying sites for development; maintaining a supply of deliverable sites, and, to generally consider housing applications in the context of the presumption in favour of sustainable development.
- 7.1.2 Policy HOU2 of the adopted Local Plan 2015 requires the appropriate density of a scheme to be judged on a site-by-site basis taking account of the existing character of the locality and the settlement and housing densities within the surrounding area, the need to make efficient use of land; the biodiversity of the site; the need to accommodate open space and parking; the level of accessibility and the impact on residential amenity of both existing and future residents.
- 7.1.3 The majority of the scheme would be located within the development envelope with only two properties outside this area and one partially outside. It is acknowledged that the principle of open market residential development on land outside of the development envelope is contrary to adopted policy and this was raised at Committee initially. However, given that the majority of the development would lie within the development envelope of Kirtling and bearing in mind the site is fairly contained by trees and vegetation, views of the site would be fairly localised from The Street and the visual receptors of the PROW 25. The Planning Inspector did not consider that the development resulted in visual harm to the character of the area as the rear most dwellings would not extend significantly beyond the rear boundaries of the properties in the area and the overall

appearance of the development would be less conspicuous in the countryside than existing housing close by.

7.1.4 Given the spatial relationship with adjoining properties there would be no detrimental impact on residential amenity to either existing or future occupiers. Moreover, both access and parking and issues relating to biodiversity, trees, flooding and drainage are still considered acceptable.

7.1.5 As the Council do not have a current 5 year land supply position, the presumption in favour of sustainable development applies, and the application can be supported in principle.

7.2 Residential Amenity

7.2.1 The NPPF seeks to ensure that 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.

7.2.2 No impact on the residential amenities of the adjoining occupiers had been identified in the original assessment of 18/01303/FUL. Moreover, the Planning Inspector did not identify any harm to the residential amenities of either Nos 159 or 165 The Street.

7.2.3 However, the increase in activity to and from the site can be mitigated by a range of measures proposed by condition.

7.2.4 In terms of living environment created for future occupiers of the site, it is still considered that all rooms benefit from a good degree of outlook and sunlight/daylight penetration. As was the case in the previously refused scheme the amount of amenity space and separation distances between dwellings achieved on site exceeded the guidelines of the East Cambridgeshire Design Guide. As a further dwelling has been omitted from the scheme then the scheme is less dense and continues to comply with the design guidelines.

7.2.5 It is considered that the proposal would still have an acceptable impact on residential amenities in accordance with Policy ENV2 of the Local Plan, the East Cambridgeshire Design Guide and the NPPF, and this is attributed neutral weight in the planning balance

7.3 Visual Amenity

7.3.1 In considering the visual impact on the landscape, Policy ENV1 of the Local Plan 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 of settlements. Policy ENV2 of the Local Plan requires that new development should ensure its location, layout, form, scale, massing and materials are sympathetic to the surrounding area. Policy GROWTH 2 of the adopted Local Plan requires that within the development envelopes housing to meet local needs will normally be permitted.

- 7.3.2 A Landscape and Visual Appraisal [Richard Morrish Associates dated September 2019] has accompanied the application. This document assesses the wider landscape setting as forming part of the undulating Estate Farmland landscape type which is considered to have medium landscape value and to have a medium level of sensitivity to the type of development proposed.
- 7.3.3 Kirtling is characterised by scattered groups of dwellings in attractive countryside comprising a mix of modest bungalows and terraced cottages as well as detached executive homes on substantial plot sizes. The Street runs roughly from south to north from its junction with Malting End and The Green.
- 7.3.4 Public Right of Way 25 runs between No 165 and 169 The Street the full extent of the southern boundary.
- 7.3.5 Concerns are still being raised in the letters of objection regarding the linear nature of development within the village, design, layout and height of the development. The number of appeals that have been dismissed citing visual amenity as a grounds for refusal has also been identified in the letters of representation. Whilst generally linear development is represented in Kirtling, the Planning Inspector in his consideration of the appeal scheme considered *'the rearmost dwellings proposed (plots 5 and 6) would not extend significantly beyond the rear boundaries of other properties in the area, and the overall appearance of the development would be less conspicuous in the countryside than existing housing close by'*. As such *'the scale, bulk and massing of the dwellings and other buildings proposed would not unacceptably impact on the appearance of the area or the wider countryside.'*
- 7.3.6 As a consequence, although the scheme is not in a linear layout, the Planning Inspector did not raise this as a reason to dismiss the appeal. Kirtling does benefit from a number of extensive executive type dwellings where the height is comparable with the height of the new dwellings. The reduction in the number of dwellings proposed is therefore seen as a further significant benefit.
- 7.3.7 Para 78 of the NPPF requires that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this still supports local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Whilst Kirtling has seen an increase in the amount of development recently, this is also the case for a great number of other villages in the district.
- 7.3.8 Whilst the Planning Inspector considered that the scheme would not impact on the visual amenities of the area he raised concern regarding the full extent of the area forming the rear garden land of Plots 5 and 6. In the refused scheme the application site measured 310m in depth with much of this land retained as garden land serving Plots 5 and 6. The Planning Inspector found that *'although this land mainly comprised a former paddock, semi-improved grassland and other vegetation and trees, there would be nothing to prevent it from being used as outdoor amenity space in connection with the proposed dwellings. Consequently, the development would extend well beyond the rear boundaries of any of the*

properties on this side of The Street, and even though I find that the layout, scale and form of the buildings proposed in relation to the appearance of the surrounding area would be acceptable, the overall encroachment of the development into the countryside would be out of kilter with the more contained pattern of built form present locally.

7.3.9 Whilst the erection of outbuildings and structures for domestic purposes could be prohibited by the removal of permitted development rights, domestic paraphernalia such as seating, washing lines, children's play equipment and formal garden landscaping could not be effectively controlled in this manner. The use of the entire appeal site for the purposes of housing would represent a significant permanent encroachment into the countryside which would diminish the contribution the site makes to its verdant surroundings, thus undermining its intrinsic character'.

7.3.10 As a consequence of the appeal decision, the resubmitted scheme was further amended whereby the applicants have set the rear building line in the same location as before but have significantly reduced the site area from 1.08ha (2.67 acres) to 0.4ha (1.21 acres). The red line is therefore significantly reduced (see fig 1 below). This reduction in the site area will ensure the future safeguarding of land to remain in open countryside which is in line with the findings of the Planning Inspector's decision. The management of this area would be the responsibility of the current landowner.

18/01303/FUL



19/01386/FUL



Figure 1

7.3.11 As such, due to the reduction in the site area, and in view of the Inspector's comments that Plots 5 and 6 would not extend significantly beyond the rear

boundaries of other properties in the area the appearance of the development would be less conspicuous in the countryside than existing housing close by. Therefore, neutral weight can be afforded to this factor. As such, the proposal would not conflict with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, and the NPPF.

7.4 Historic Environment

7.4.1 Section 12 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal including development that may affect the setting of a heritage asset. Policies ENV2 and ENV11 of the Local Plan 2015 requires development proposals to be designed in order to preserve or enhance the special character and appearance of the area.

7.4.2 Kirtling does not benefit from a Conservation Area, however, there are a number of Listed Buildings within the village. No 162 The Street, formerly The Beehive Inn, lies to the west of the site and is a Grade II Listed Building, converted into a dwellinghouse in the 90s. A number of additions, alterations and demolitions of structures have occurred in the intervening years, in the form of a 2-bay car port, conversion of detached stable block into a single garage, workshop and log store, which have altered the original setting of the Beehive Inn into a residential curtilage with all the associated domestic paraphernalia.

7.4.3 The Conservation Officer had raised no objection in principle to the scheme initially and has provided similar comments to the current scheme. As such the proposal would satisfy the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as Policies ENV2 and ENV11 of the adopted Local Plan and would not result in 'less than substantial harm'. Para 169 of the NPPF refers. Bearing in mind the public benefits that 6 additional dwellings would make to the Council's 5YLS then this factor can be afforded neutral weight in the planning balance.

7.4.4 Policy ENV14 of the adopted Local Plan 2015 requires development proposals that affect sites of known or potential archaeological interest to have regard to their impact upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains.

7.4.5 The County Archaeologist has commented that the area has no archaeological investigation history, other than a deer park to the west of the application area which was dis-parked after 1770. County would not object to the development of this site provided a programme of archaeological investigation is secured through the inclusion of a condition.

7.4.6 The scheme would not result in a detrimental impact on the historic environment and this is weighed neutrally in the planning balance. The scheme complies with Policy ENV14 of the adopted Local Plan 2015

7.5 Highways

7.5.1 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be

maximised and that safe and suitable access can be achieved. Para 109 of the NPPF requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.5.2 Policy COM7 of the Local Plan 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.
- 7.5.3 The parish of Kirtling includes Kirtling Green and Upend and is located approximately 5 miles south-east of Newmarket. Kirtling is described in the adopted Local Plan as a scattered settlement with a reasonable range of facilities for its size. These include a garage, pub, two churches, and a well-equipped village hall, cricket and carpet bowls club. There is also a bus service that runs through Kirtling four days a week.
- 7.5.4 As the site lies within the established settlement boundary it is considered that future residents would be able to access the limited goods and services and public transport on offer in the village both on foot and by bicycle. However, it is acknowledged that given the rural nature of the village that residents would to a certain extent be reliant upon the private motor vehicle to access places of work and schools. The proposal therefore conflicts with Policy COM7 in this regard.
- 7.5.5 The resubmitted scheme does however include the provision of an additional 4 dwellings to the District's housing stock. The proposal is therefore considered to make a meaningful contribution towards the current housing shortfall and this attracts significant weight in the planning balance. The proposal would also offer some short and long term economic benefits in relation to the construction process and the purchase of local goods and services.
- 7.5.6 A number of concerns have been raised regarding the site's proximity to a bend in the road. However, the Local Highways Authority has not identified a risk to highway and pedestrian safety, and as the quantum of development has been reduced then the proposed accesses are considered to still be suitable.
- 7.5.7 The County Rights of Way Officer has raised no objection subject to a number of caveats regarding obstruction, maintenance of boundaries and storage of materials. These can be dealt with by conditions and informatives.
- 7.5.8 In terms of the access into the site, in view of the reduction in the quantum of development the Highways Authority has not objected to the scheme but has requested further details on the turning and parking for Plots 5 and 6. This information has been provided and as the plots are sufficiently distant from the highway there have been no objections raised. The applicants have also amended the verge crossovers and dropped crossings to comply with county standards.

Parking

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

- 7.5.10 From the layout accompanying the planning application an opportunity exists on the site to provide an acceptable layout and parking scheme and the scheme could be policy compliant in line with Policy COM8 of the adopted Local Plan. A concern raised in the letters of objection regarding the conversion of the cartlodge to form an independent dwelling would require the submission of a planning application which would be assessed on the individual merits of the scheme.
- 7.5.11 To conclude, whilst Kirtling is not considered to be locationally sustainable, with an over-reliance on the car for higher order services and facilities, the scheme can provide a safe access and would not result in an unacceptable impact on highway and pedestrian safety. Further details can also be provided to the satisfaction of the County Rights of Way Officer which on balance would accord with Policies COM 7 and 8 of the adopted Local Plan 2015. These factors are therefore afforded neutral weight.

7.6 Ecology

- 7.6.1 Policy ENV7 of the Local Plan requires that development should protect biodiversity and the geological value of land and buildings and minimise harm to or loss of environmental features such as hedgerows and trees. The application has been supported by an Ecology Assessment [agb Environmental] dated 11th September 2019. A Habitats Survey has also been undertaken.

Ecology and Biodiversity

- 7.6.2 The Ecology Assessment used information obtained from a walk-over of the site as well as a desk-based assessment to obtain existing ecological information.
- 7.6.3 Whilst the site does fall within the impact zone of the Ten Wood SSSI, the nature of the development does not meet the criteria for impacts that would likely lead to a significant effect on the SSSI. There is potential for the mix of habitat types present to support a range of protected species.
- 7.6.4 The presence of three ponds within 250m of the site triggered the recommendation for further great crested newt surveys. However, GCNs were not recorded during the further surveys carried out and are therefore likely absent from the site.
- 7.6.5 A number of Reptile surveys were conducted in 2018 with no reptiles being recorded within the site.
- 7.6.6 The buildings and broadleaved and coniferous trees have high potential for nesting birds and the presence of hedgehogs within the site was also likely. A number of precautionary methods have been proposed to prevent harm to both nesting birds and hedgehogs.
- 7.6.7 Due to the presence of badger latrines to the west of the site a badger survey would need to be undertaken six weeks before any site clearance or construction of development.

- 7.6.8 Bat Surveys were also undertaken within the 8 out-buildings and these revealed that there was negligible suitability for roosting bats. However, within the cottage it was recorded that bats could potentially roost under the slate tiles, with potential gaps behind lead flashing and within the roof void. A single dusk emergency survey was therefore undertaken on 26th July 2018 and recorded that there were no roosting bats recorded during the survey. However, the site is being used for foraging and commuting purposes.
- 7.6.9 The Ecology Assessment recommends a number of enhancements to encourage biodiversity across the site and these can be dealt with by condition.

Trees

- 7.6.10 An Arboricultural Impact Assessment [agn Environmental] dated 11th September 2019 has been submitted with the application. This document lists twenty-two individual trees and five groups of trees located within the site boundary and immediately adjacent to it. A recent Tree Preservation Order has been served on some of the trees within the site.
- 7.6.11 The development would result in the removal of 4 individual trees, two small groups of trees and a single tree from a third group. Bearing in mind these trees are relatively limited value then there are opportunities for replanting within the site.
- 7.6.12 The Tree Officer has considered the AIA and has no objection to the scheme.
- 7.6.13 It is therefore considered that the scheme would not result in an unacceptable impact on biodiversity or ecology and this factor is weighed neutrally in the planning balance. The proposal would therefore comply with Policy ENV7 of the adopted Local Plan 2015.

7.7 Flood Risk and Drainage

- 7.7.1 Policy ENV8 of the Local Plan requires that all developments should contribute to an overall flood risk reduction.
- 7.7.2 The site is located within Flood Zone 1 which has a low probability of flooding and where the NPPF requires new development should be located. A desk top analysis has suggested that the proposed development would lead to an unacceptable risk of flooding downstream. Anglian Water have no comments to make as the development is below the threshold for comment. A condition requiring further details to be submitted regarding a surface and foul water strategy are imposed on the consent.
- 7.7.3 As such the scheme meets the requirements of Policy ENV8 and is considered acceptable. This factor weighs neutrally in the planning balance.

7.8 Other Material Matters

CIL

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

Energy Efficiency

- 7.8.2 All new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy Policy ENV4 refers and further details can be obtained by condition. In this way the development would reduce its reliance on carbon fuels.

Waste

- 7.8.3 In terms of the collection of waste and recycling it would be the responsibility of the owners/residents to take any bins to the public highway boundary. However, the Council's Waste Department have requested details of the position of the bin store. In amendments of the scheme the bin store has been located adjacent to the cartlodge and its design will form a condition of the consent

Pollution

- 7.8.4 A Phase I Geo-environmental Desk Study Report [AGB] dated 3rd May 2019 has been submitted with the application. In view of the proposed residential use of the site, the Council's Environmental Health Department are satisfied that further details regarding possible ground contamination can be submitted by condition. In addition during the construction works, adequate mitigation measures could be controlled to reduce pollution and general disturbance by the imposition of a Construction Environmental Management Plan to be agreed with the Council. External lighting and internal noise could also be conditioned to preserve general amenity.

5YLS

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

Fire Hydrants

- 7.8.6 A scheme for fire hydrants can be secured by condition.

No affordable housing

- 7.8.7 As there is an existing property on the site the number of additional dwellings within the scheme is 4 and there is no requirement to provide any affordable housing on site.

7.9 Planning Balance

- 7.9.1 The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development. Para 11 of the NPPF requires that where there are no relevant development plan

policies, or the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.9.2 The development would make a contribution to the housing land supply which, in the context of the Council currently being unable to demonstrate a 5 year housing land supply, is a benefit to be attributed significant weight in the planning balance. However, in view of the small number of dwellings proposed this is afforded moderate positive weight. There would also be economic benefits in terms of the construction of the development itself, those associated with the resultant increase in population and the contribution to the local economy to which moderate weight should be attached.
- 7.9.3 In terms of its impact on the landscape character, the development would not significantly intrude outside of the development envelope sufficient to injuriously impact on the visual amenities and character of the area. The Planning Inspector considered that the development would not extend significantly beyond the rear boundaries of other properties in the area and would be less conspicuous in the countryside than existing housing close by. Due to the reduction in the number of dwellings and site area, it would not result in an unduly prominent development and the majority of the site can continue to contribute retaining this land in open countryside. Therefore, neutral weight can be afforded to this factor.
- 7.9.4 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of impact on heritage assets, residential amenity, access and highway safety, parking, biodiversity, ecology, flooding and drainage. However, these matters do not represent benefits to the wider area but demonstrates an absence of harm to which weight should be attributed neutrally.

8.0 CONCLUSION

- 8.1 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. The report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.
- 8.2 In principle, and having regard to the three dimensions of sustainable development, the scheme is considered acceptable and the benefits of the scheme would significantly and demonstrably outweigh the adverse impacts when assessed against the policies in the NPPF.
- 8.3 The proposal is recommended for approval, subject to conditions.

RECOMMENDATION: APPROVE

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

An appeal on this site has previously been dismissed, although the Planning Inspectorate did not agree with the Council's reason for refusal regarding the scale, bulk and massing of the dwellings and other buildings proposed as it was concluded that they would not unacceptably impact on the appearance of the area or the wider countryside. The proposal would not injuriously harm residential amenity of existing and future occupiers or highway safety.

10 APPENDICES

- 10.1 Appendix 1 – Condition

Appendix 2 – APPEAL DECISION app/v0510/1/19/3237095

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01386/FUL	Anne James Room No. 011	Anne James Planning Consultant 01353 665555
18/01303/FUL	The Grange Ely	anne.james@eastc ambbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 19/01386/FUL Conditions

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

Plan Reference	Version No	Date Received
19_TSK_312	A	5th February 2020
19_TSK_316	A	5th February 2020
19_TSK_317	A	5th February 2020
19_TSK_325	A	5th February 2020
19_TSK_327	A	5th February 2020
19_TSK_000	A	5th February 2020
19_TSK_102	A	12 th March 2020
19_TSK_201	B	12 th March 2020
19_TSK_001	A	5th February 2020
19_TSK_101	C	12 th March 2020
19_TSK_300	A	5th February 2020
19_TSK_301	A	5th February 2020
19_TSK_302	A	5th February 2020
19_TSK_303	A	5th February 2020
19_TSK_304	B	5th February 2020
19_TSK_305	A	5th February 2020
19_TSK_200	D	12 th March 2020
Phase 1 Geo-environmental Desk Study Report		27th September 2019
19_TSK_306	A	8th October 2019
19_TSK_307		27th September 2019
19_TSK_308		27th September 2019
19_TSK_309		27th September 2019
19_TSK_310		27th September 2019
19_TSK_311		27th September 2019
19_TSK_313		27th September 2019
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19_TSK_326		27th September 2019
19_TSK_328		27th September 2019
19_TSK_329		27th September 2019
19_TSK_330		27th September 2019
Landscape and Visual Appraisal		27th September 2019
AIA		27th September 2019
Ecological Assessment		27th September 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 Prior to first occupation or commencement of use the proposed on-site parking, turning and servicing area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 219-TSK-101- Rev C and thereafter retained for that specific use.
- 3 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 4 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved access, as shown on 19-TSK-101_REV_C.
- 4 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 5 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 5 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.
- 6 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07.30 - 18.00 each day Monday-Friday and 07.30 - 13.00 on Saturdays and none on Sundays, Public Holidays or Bank Holidays
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 No above ground construction shall commence until details of the bin stores have been submitted to and agreed in writing with the Local Planning Authority. The bin stores shall be in situ in accordance with the approved details prior to the occupation of the development.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 8 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the occupation of any dwelling.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation of the dwellings.
- 9 Reason: To prevent flooding by ensuring the satisfactory storage/disposal of water from the site, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 10 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 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.

- 11 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 12 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.
- 12 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 95 of the NPPF.
- 13 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 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.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No above ground construction shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: finished floor levels, car parking layouts, hard surfacing materials and lighting. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 No above ground construction shall take place on site until details of the bricks, stone, roof coverings, flashing, windows, doors, etc; 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.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 16 No development shall take place until a detailed Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, cart lodge, office, parking, site access, storage etc.). All works shall be carried out under supervision by a Project Arboriculturist in accordance with the agreed AMS.
- 16 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 17 Any tree or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation.
- 17 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 18 The biodiversity improvements as set out in the Ecological Assessment [agn Environmental Ltd] dated 25th April 2019 shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 18 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 19 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 19 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 The energy and sustainability strategy as set out in the Design and Access Statement shall be installed prior to the first occupation of the hereby approved development.
- 20 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 21 Prior to the commencement of development an additional badger survey shall be undertaken in accordance with the recommendations of the Ecological Assessment [agn

Environmental Ltd] dated 11th September 2019. The development shall be carried out in accordance with the recommendations contained in the Ecology Appraisal.

- 21 Reason: To protect and enhance species in accordance with policy ENV7 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement due to the presence of badger latrines to the west of the site.
- 22 The shared access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 22 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 23 Before any dwelling hereby permitted is occupied, the vehicular access from the existing carriageway edge shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the local planning authority, and such a scheme shall include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.
- 23 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.



Appeal Decision

Site visit made on 11 December 2019

by **Matthew Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th January 2020

Appeal Ref: APP/V0510/W/19/3237095

Gosling Cottage, 165 The Street, Kirtling CB8 9PD

- 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 Mr Godfrey (Hamilton Developments (Newmarket) Ltd) against the decision of East Cambridgeshire District Council.
 - The application Ref 18/01303/FUL, dated 17 September 2018, was refused by notice dated 8 August 2019.
 - The development proposed is demolition of existing cottage and outbuildings and the erection of 6 no. dwellings with 2no. crossovers, shared surface access road and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant submitted a Landscape and Visual Impact Assessment (LVIA) with this appeal which was not considered by the Council when they made their decision on the planning application. The Council have seen the LVIA and commented on it as part of this appeal. The submitted LVIA does not alter the nature of the proposal and I am satisfied that interested parties have not been prejudiced. I have taken the LVIA into account in reaching my decision.

Main Issue

3. The main issue in this case is whether or not the appeal site is an appropriate location for the proposal, having regard to the development plan, and the character and appearance of the area.

Reasons

4. The appeal site comprises a roughly rectangular parcel of land which fronts The Street. It is occupied by a derelict cottage and several other buildings and structures along with areas of grass, vegetation and trees.
5. Both main parties suggest that two of the six dwellings proposed would lie outside the defined development envelope of Kirtling. However, having cross referenced the submitted plans which show the layout of the proposal, with the Council's policy map which depicts the extent of the development envelope¹, it appears that two of the proposed dwellings and part of a third dwelling would be located outside the development envelope. The ambiguity of the

¹ East Cambridgeshire Local Plan 2015 Policies Map Kirtling and Kirtling Green (Inset Map 8.21)

development envelope boundary line shown on the policy map makes an accurate comparison difficult. Nonetheless, regardless of whether or not more than two dwellings would be proposed outside the development envelope, I agree with the overall conclusions set out by the main parties that most of the built form proposed would be within the development envelope of Kirtling.

6. Having regard to the aforementioned, part of the appeal site lies within the countryside for the purposes of planning policy. Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 (the Local Plan) defines the Council's locational strategy for new developments. It states that within the defined development envelopes housing to meet local needs will normally be permitted, whereas outside defined development envelopes development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages.
7. Kirtling is made up of several groups of dwellings which are located on either side of The Street. Some of the dwellings are arranged in small clusters, whilst others have a more linear layout with varying degrees of set-back from the road. Therefore, the street retains a generally linear appearance, with small cul-de-sacs occupying several pockets along the street. The prominence of landscaping and the presence of expansive front gardens gives the area a pleasant and verdant rural village feel.
8. On my site visit I walked the full length of the public footpath which runs generally south east to north west, linking Malting End with The Street, with part of it running adjacent to the appeal site. Even from a distance the presence of three recently constructed dwellings², along with several other properties located generally to the south west of the appeal site, was notable. Accepting that the recently constructed dwellings may become less visible over time pending the realisation of any rear boundary planting, the existing properties define a distinguishable building line, clearly visible from the wider countryside.
9. In respect of the appeal site, it was apparent when approaching it along the footpath from the south east that the proposed dwellings would be well screened by existing trees, even during the months when leaf and vegetation cover is generally sparser. Obtainable views would be mainly limited to glimpses of the built form in between gaps in the trees and vegetation. Similarly, whilst the public footpath lies close to the appeal site boundary in places, a substantial buffer of scrub and vegetation would provide a barrier, significantly curtailing views of the proposed development from this part of the footpath. Overall, my observations tie in with the findings of the appellant's LVIA, which concludes that overall a limited landscape and visual impact would arise from the proposed development.
10. From the street I was able to see several examples of small cul-de-sac type residential developments, each one being fairly 'shallow' in terms of its depth and overall projection into the countryside. Like the other dwellings proposed, the two facing the street would include several traditional architectural features and an overall design which would reflect and contribute to the character and distinctiveness of the area, contributing to the street-scene. Furthermore, the rearmost dwellings proposed (plots 5 and 6) would not extend significantly beyond the rear boundaries of other properties in the area, and the overall

² East Cambridgeshire District Council planning reference – 16/01188/FUL

appearance of the development would be less conspicuous in the countryside than existing housing close by.

11. Therefore, in response to the Council's first reason for refusal, and having regard to my foregoing observations, the scale, bulk and massing of the dwellings and other buildings proposed would not unacceptably impact on the appearance of the area or the wider countryside.
12. However, notwithstanding the lack of visual harm, the character of an area is defined by the sum of all the qualities which distinguish it. In this regard, the submitted red-line boundary plan and site location plan includes an extensive, elongated area of land which would extend to the rear of the dwellings associated with plots 5 and 6. There is nothing on the submitted layout plans to denote the rear boundaries of these plots, although the appellant has confirmed that both plots would benefit from extensive rear gardens which would ensure that the majority of the site remained open in perpetuity. Moreover, given this land is included within the appeal site, and the red-line boundary encompasses all the land to which the proposal relates, allowing this appeal for housing would necessarily authorise the use of all the land within the red-line boundary for the same purpose.
13. I appreciate that this land mainly comprises a former paddock, semi-improved grassland and other vegetation and trees. However, there would be nothing to prevent it from being used as outdoor amenity space in connection with the proposed dwellings. Consequently, the development would extend well beyond the rear boundaries of any of the properties on this side of The Street, and even though I find that the layout, scale and form of the buildings proposed in relation to the appearance of the surrounding area would be acceptable, the overall encroachment of the development into the countryside would be out of kilter with the more contained pattern of built form present locally.
14. Whilst the erection of outbuildings and structures for domestic purposes could be prohibited by the removal of permitted development rights, domestic paraphernalia such as seating, washing lines, children's play equipment and formal garden landscaping could not be effectively controlled in this manner. The use of the entire appeal site for the purposes of housing would represent a significant permanent encroachment into the countryside which would diminish the contribution the site makes to its verdant surroundings, thus undermining its intrinsic character.
15. In conclusion therefore, I find that the appeal site would not be an appropriate location for the proposal, having regard to the development plan, and the character and appearance of the area. The proposal would be an inappropriate form of development in the countryside and would be in conflict with Policies ENV1 and ENV2 of the Local Plan which require, amongst other matters, that developments make efficient use of land and have a complementary relationship with existing development by protecting the settlement edge, the space between settlements and their wider landscape setting. Moreover, the development would not be sympathetic to local character, contrary to paragraph 127 of the National Planning Policy Framework (the Framework).

Other Matters

16. I am aware that several buildings within the village are listed, including the Grade II listed former Beehive Inn which lies generally opposite the appeal site.

However, the two dwellings proposed closest to the street would be significantly set-back from it and would include an element of screening which would ensure no adverse impact on the setting of this listed building. Furthermore, I find no harm to the significance of listed buildings in the area.

17. Objections have been made by third parties including, but not limited to, concerns relating to highways, ecology, foul and surface water drainage, wildlife and the impact the development would have on neighbouring living conditions. However, it has not been necessary for me to consider these matters further as I am dismissing the appeal for the reasons given.

Planning Balance and Conclusion

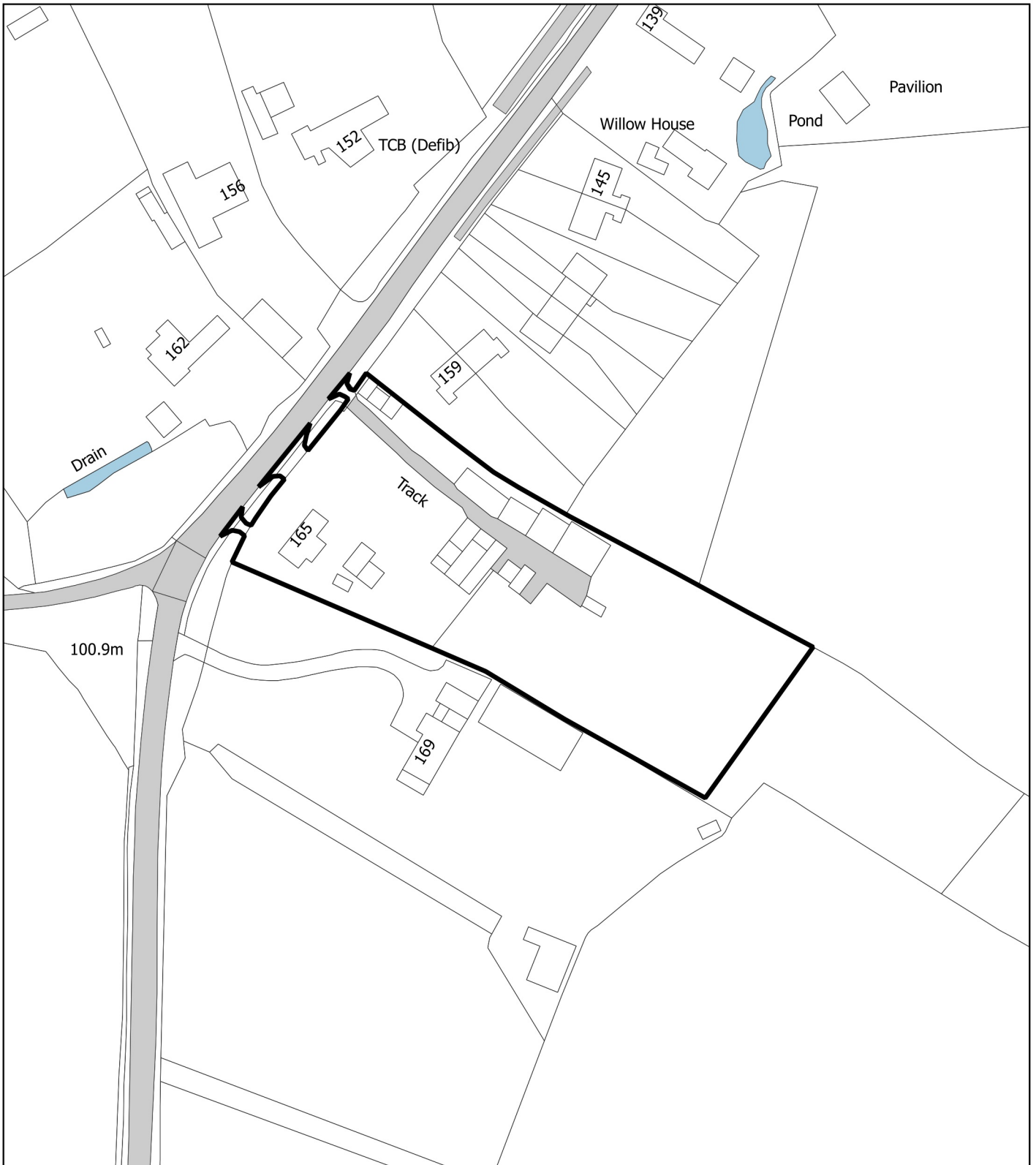
18. Paragraph 11 of the Framework states at '(d) where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the LPA cannot demonstrate a five year supply of deliverable housing sites), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.' Regardless of the extent of under-delivery of housing over the last few years, there is no dispute between the main parties that the Council can only demonstrate a 3.7 year supply. To my mind this represents a significant shortfall in light of the Framework's requirement for local authorities to provide a five-year supply of deliverable housing sites.
19. A large extent of the development would be outside of the development envelope and at odds with the prevailing character of the area, contrary to Policies ENV1 and ENV2 of the Local Plan. In light of the Council's housing land supply position, paragraph 213 of the Framework makes it clear that weight should be given to existing development policies according to their degree of consistency with the Framework. The countryside is not protected for its own sake, but its intrinsic character and beauty is recognised by the Framework. Even taking account of the objective of significantly boosting the supply of homes and the Council's supply position, the conflict between the proposal and the relevant parts of Policies ENV1 and ENV2 of the Local Plan should be given significant weight in this appeal.
20. Set against the harm identified there would be social, economic and environmental benefits associated with the development. The development would provide six additional houses which would boost the supply of housing in the area and generate employment opportunities during construction, and through the employment of local services for the upkeep and maintenance of the houses when occupied. Furthermore, the houses would be designed so as to be energy efficient and additional environmental benefits would include enhancements to encourage biodiversity across the site and new diverse landscaping and planting. It is also proposed to culvert/pipe the existing drainage ditch which runs alongside the adjacent public footpath, along with post and rail fencing and planting alongside the footpath designed to improve the access for all to the countryside. In connection with the relatively small number of dwellings proposed, these benefits attract modest weight in favour of the development.
21. Consequently, I conclude that the adverse impacts on the character of the area would significantly and demonstrably outweigh the benefits when assessed

against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

22. The proposal would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Matthew Woodward

INSPECTOR



19/01386/FUL

Gosling Cottage
165 The Street
Kirtling



East Cambridgeshire
District Council

Date: 10.03.2020
Scale: 1:1,250



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MAIN CASE

Reference No: 19/01413/OUM

Proposal: Extension of existing care home to include two storey addition to care home, 15no assisted residential apartments, 90no assisted residential apartments with ancillary facilities, 54no staff bedsits and flats, together with 37no open market dwellings

Site Address: The Soham Lodge Nursing Home Soham Bypass Soham Ely Cambridgeshire CB7 5WZ

Applicant: DCSL Limited

Case Officer: Angela Briggs, Planning Team Leader

Parish: Soham

Ward: Soham North

Ward Councillor/s: Victoria Charlesworth
Alec Jones

Date Received: 2 October 2019 **Expiry Date:** 30th March 2020

[U208]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the following reasons:

- 1) The proposed development would introduce a form of development that would be adversely uncharacteristic with the surrounding area, detracting from the rural character of the locality, settlement edge of Soham, and the wider landscape setting. The proposed 2m high acoustic bund along the A142 would further exacerbate the impact on the visual amenity of the area and create a solid boundary against a predominantly open and soft landscaped area, contrary to the aims and objectives of Policies ENV2, HOU6 and COM7 of the East Cambridgeshire Local Plan, 2015.
- 2) The proposed development, by virtue of its unsustainable location and separation from the main settlement, fails to provide adequate and safe connections for pedestrians and cyclists to access the main settlement and the wider area by virtue of its position adjacent to the A142 Soham Bypass, which had insufficient infrastructure to ensure the safety and well-being of future occupiers, and would encourage a heavy reliance on the use of the private motor car due to the lack of suitable alternative modes of sustainable transport or linkages to and from the site, contrary to the aims and objectives of Policies ENV1, ENV2 and HOU6 of the East Cambridgeshire Local Plan, 2015.

- 3) The proposed development, by virtue of the quantum of development, as shown on the indicative drawing no. 16:14:02 Rev K, also fails to demonstrate that it can achieve a biodiversity net gain on or off the site, contrary to the aims and objectives of Policy ENV7 of the East Cambridgeshire Local Plan, 2015 and paragraph 175 of the NPPF.
- 4) The proposed development would introduce residential development close to the A142, which is a busy single carriageway relief road and exposing future occupiers to an unacceptable level of noise, which could only be mitigated through the permanent closure of windows and other openings, restricting natural ventilation into their homes and significantly reducing their reasonable level of amenity, contrary to Policies ENV2 and ENV9 of the East Cambridgeshire Local Plan, 2015 which seeks all new developments to ensure that future occupiers enjoy high standards of amenity.
- 5) The proposed development fails to demonstrate that the access is adequate to serve the development and that the additional traffic derived from the proposed development would not have a significant impact on the local and wider highway network. Furthermore, the proposed development also does not indicate that adequate waste and recycling could be achieved on the site, contrary to Policies COM7 and ENV2 of the East Cambridgeshire Local Plan, 2015, and the RECAP SPD, 2012.
- 6) The proposed development fails to confirm adequate affordable housing as required under Policy HOU3 of the East Cambridgeshire Local Plan, 2015. The proposed development is therefore contrary to this policy as it would not be meeting a local affordable housing need.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks outline planning permission for the extension of the existing care home, 15no. assisted residential apartments, 90no. assisted residential apartments with ancillary facilities, 54no. staff bedsits and flats, together with 37no. open market dwellings. The application is outline with all matters reserved, except for means of access. The proposed site layout plan submitted, is indicative only. The application is accompanied by the following documents:

- Planning Statement;
- Design and Access Statement;
- Ecological Assessment (Wild Frontier Ecology);
- Flood Risk Assessment and SuDs Statement;
- Noise Impact Assessment;
- Transport Assessment;
- Topographical plans;
- Existing and indicative proposed site layout plan.

2.2 The application has come to Planning Committee because the site is over 1000sq.m, in accordance with the Council's Constitution.

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/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1 The site has an extensive planning history from the mid-1980s. However, below are the most relevant:

88/00332/RMA	Erection of motel, restaurant and filling station	Approved, June 1989
03/01362/OUM	Outline application for new training establishment	Approved, 9 th June 2004
07/00668/RMA	Reserved matters application for new training establishment granted under 03/01362/OUM	Approved, 30 th July 2007
09/00748/FUM	Extension to motel including change of use from motel to nursing home	Approved, 3 rd December 2009
09/00748/NMAA	Non material amendment to previously approved extension to motel including change of use from motel to nursing home	Approved, 11 th October 2011
17/01382/CLE	Certificate of lawful development confirming that planning permission 07/00668/RMA, for a new training centre remains extant	Certificate granted, 6 th October 2017

4.0 THE SITE AND ITS ENVIRONMENT

4.1 Soham Lodge Care Centre is situated outside of the development framework, and in the northern apex of a triangular site that comprises some 5.1ha (12.6 acres) of land situated to the east side of Soham. It is bounded by the A142 Soham Bypass, to the east, Qua Fen Common (A County Wildlife Site), to the northwest, and to the southeast, fields that form part of the Soham Eastern Gateway allocation (Policy

SOH3 in the East Cambridgeshire Local Plan, 2015). The nearest residential dwellings are at Qua Fen Common to the east of the Common. The site is accessed directly from the A142 and has a secondary road for egress.

- 4.2 The existing care home is single storey and is a modest scale brick building within the open countryside. The central and southern parts of the site are generally level and are bounded by hedge and tree lines, which sit on raised mounds. A single hedge line transverses the central part of the site, as does a public right of way linking the site to Qua Fen Common. At the time of writing, some areas of the site have now been cleared of some vegetation.

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.

5.2 **Parish Council - 4 November 2019, 23 December 2019 (same comments submitted)**

Soham Town Council Planning Committee seriously objects to this proposal citing significant material planning issues:

The proposed development is not in the 2015 Local Plan and attention is drawn to the Decision Notice provided in regards to Appeal Decision - 18/01505/FUL - Land adjacent: 5 Holmes Lane, Soham namely:

Procedural Matter

On 21 February 2019 the Council withdrew its emerging Local Plan and consequently the emerging policies now have no status. The East Cambridgeshire Local Plan 2015 (LP) remains the adopted Local Plan for the district. Under this requirement:

- A) The proposed large scale Scheme/development is outside the current development envelope
- B) There appears no provision for affordable housing.

Concerns and objections were additionally raised regarding the lack of sustainability of such a development related to:

- a) Residents not being able to access into the development/dwellings safely as there are no foot or cycle paths available on the A142 which as a fast and congested bypass road would require significant traffic management changes.
- b) Current suggested residential road into complex (access via A142) for car users remains completely inadequate due to traffic speed and volume.

It would appear that the Developer is relying (heavily) on those improved A142 access requirements by the Eastern Gateway Development (SOHM1) which whilst is identified in the Local Plan 2015 has yet to be brought forward.

The public open space provision suggested is on the adjacent common land which is privately owned (The Lord of the Manor) the Planning Committee were therefore

somewhat perturbed to noted that he or his Agents have not been notified. In the absence of his legitimate interests the Planning Committee noted the following matters:

Designated Common land may not for the purposes of this (or any) planning application provide:

- i) Any element of public open space provision to the Scheme
- ii) Any vehicular access over common land
- iii) gated access from any dwellings (only registered footpaths may be used/considered)
- iv) a bund or buffer of land adjacent/next to common land.
- v) consideration to the current flora and fauna.

It was noted The Wildlife Trust as a Statutory Consultee that in their opinion there is insufficient green open space within the development and Soham Town Council contends that the Developers cannot rely on the commons to provide this.

The Developer and the Planning Authority both have a duty to consider any and all detrimental impacts that additional housing stress places on nearby/adjacent common land.

The Planning Committee also noted a recent application AC/2019/128520 Land Parcel East 2 The Shade Common and letter dated 2nd July 2019 from Environment Agency that, current permits and capacities had been reached and until sewage system had been upgraded 'new developments in Soham needs to be carefully managed to protect the local water environment'.

In summary Soham Town Council seriously objects to this proposal under procedural irregularities given this proposal does not appear in the current Local Plan 2015 combined with significant concerns regarding sustainability. The Committee members also queried, given the recent approval for another care home facility in close proximity, the economic viability of such a duplication.

Added note from 23 December 2019 - Noted that the ecology and biodiversity report only addressed the issue of rare and diverse plants that grow on the Common.

27 February 2020 – Above comments re-submitted.

5.3 **Ward Councillors** - No Comments Received

5.4 **Access Group - 16 October 2019**

Access to the enlarged site appears inadequate, bearing in mind the speed on that part of the bypass and the number of dwellings.

There is no public transport to or past the site.

There is no footpath on the bypass, so any resident of the proposed site without a vehicle will be trapped on site.

No details of ancillary facilities are given.

We would be interested to see the full application.

No accessible car parking shown.

5.5 Cadent Gas Ltd - 22 October 2019

Request that the LPA inform them of our likely recommendation.

5.6 Cambs Wildlife Trust – 18 October 2019

I have reviewed the Ecological Assessment report accompanying the above application and consider further information is required before this application can be determined.

With regards to protected species, sufficient survey work has been undertaken and suitable mitigation proposed for most species. However, further information is still required with regards to great crested newts. The ecology report identifies the need for further surveys for great crested newts in order to inform a detailed mitigation plan and application for a protected species licence. In accordance with best practice guidelines all surveys should normally be completed before a planning application is submitted. The ecology report has outlined that the proposed development will need to include creation of alternative great crested newt habitat (and potentially reptile habitat), but the proposed site plan does not appear to currently make provision for this, with limited areas of open space shown mostly as formal garden, and created ponds also appearing to be formal (with one surrounded by buildings and road which would be barriers to movement of newts and other wildlife). The ecology report also states that the proposed development allows for the retention of existing ponds on site, but the proposed site plan does not show both ponds retained. Clarification is need with regards to how mitigation requirements for great crested newts will be incorporated into the proposals, and I recommend the additional surveys are completed first, as these will provide an indication of the population size and therefore the area that will be needed for mitigation.

With regards to impacts on habitats and providing a net gain in biodiversity, based on the phase 1 map of existing habitats, the proposed site plan, and the statement in the conclusion of the ecology report that "...a LEMP will outline ecological enhancement measures for the developed site, which will include measures that will contribute to offsetting the negative impacts of habitat loss. Even with these measures, a negative impact to habitats is expected to be unavoidable." I consider that the development as currently proposed would result in a net loss in biodiversity, which would be contrary to national planning policy. Changes to the proposed layout could help to address this, but it is likely that a net gain is not achievable on site with the proposed level of development. However, there may be off-site measures which could address the likely net loss (see comments below regarding Soham Commons).

The proposal site is directly adjacent to Qua Fen Common County Wildlife Site (CWS) and I welcome that the potential for indirect impacts on this and other nearby sites, and the need for areas of on-site public open space to incorporate circular walks and facilities for dog walking to help reduce these impacts has been recognised (see ecology report sections 6.5.3, 6.6). However, the proposed open spaces on-site are unlikely to provide sufficient area or suitable features to meet all of the recreational needs of the new residents, and particularly given the direct access available to Qua

Fen Common, this CWS will be used as open space by the new residents. Further consideration should be given at this stage to mitigation required (including consideration of where appropriate access points would be). The Wildlife Trust coordinated production of the Soham Commons Biodiversity and Access Enhancement Study which identified a range of mitigation and enhancement measures required on the Soham Commons to facilitate the increased levels of access from proposed new developments in Soham. Further consideration should be given as to how this development will make a proportionate contribution to delivery of these measures. It should be noted that measures required for mitigation will be separate to any potential off-site enhancements that might be agreed to provide a net gain in biodiversity.

If appropriate mitigation for great crested newts and for indirect impacts on nearby conservation sites, as well as measures to provide net gain in biodiversity, cannot be agreed, then this application should be refused.

10 December 2019 (following submission of additional information):

Further to my previous comments on the above application, I have reviewed the additional information provided in the letter from Wild Frontier Ecology.

With regards to great crested newts, I am satisfied that the revised site plan, which shows all on-site ponds retained and an area available for retention as great crested newt habitat, should provide sufficient scope for great crested newt mitigation to be incorporated as necessary, with details to be agreed as part of a protected species licence application. With this additional information, I accept that further great crested newt surveys could be required by condition, as they would specifically be to inform detail of mitigation measures.

The area to be retained and enhanced as habitat for great crested newts could also contribute to reducing the losses in biodiversity, but I consider it is still likely there would be a net loss on site.

However, the proposed contribution to the Soham Commons Biodiversity and Access Enhancement scheme could potentially allow off-site gains to be achieved, and therefore potentially provide an overall net gain, as well as addressing issues of recreational pressure. An appropriate level of contribution to this scheme would still need to be agreed.

Should East Cambridgeshire District Council be minded to approve the application with the revised layout, I recommend the use of a recognised biodiversity metric (e.g. Defra Metric 2.0) to assess the level of on-site and off-site biodiversity losses and help determine what level of off-site habitat creation/enhancement would be needed to achieve an overall net gain.

5.7 The Ely Group Of Internal Drainage Board - 24 October 2019

The Board has no objections in principle to the development. The Flood Risk Assessment for the site makes an allowance for the Board's requirements in relation to surface water discharge from the site. The Board would wish to see the detailed surface water design at the next planning stage before making a final comment.

Under the Board's Byelaws, any discharge from the site will require the prior consent of the Board. Also, any works to watercourses on or adjacent to the site, e.g. culverting to form new access, will also require the consent of the Board.

5.8 Local Highways Authority - 21 November 2019

The proposal fails to demonstrate that adequate provision is being made for non-motorised users accessing the site. This is likely to result in such users travelling on or adjacent to a high speed carriageway risking collision with motorised vehicles. Absence of suitable facilities would also represent a disincentive to independent travel for non-motorised users with limitations in vision or mobility.

I note that Cambridgeshire County Councils Asset Information and Transport Assessment teams have also been consulted, and share similar concerns with respect to non-motorised user access.

In light of the above, I would recommend refusal on the basis that the application is not supported by sufficient highways and transport information to demonstrate that the proposed development would not be prejudicial to highway safety.

14 February 2020 – following additional information:

The proposals with respect to NMU access to the site does not appear to have been expanded beyond that which was previously proposed, with this development seemingly being reliant upon access along unmade footpath over common or third party land.

Reference is made in the applicants Technical Note No1 to the provision of footway and cycle way as part of the Eastern Gateway site, suggesting that this will provide the same level of connectivity to the Care home site. However, until such time as that facility exists and while there is no certainty, given that no planning permission has yet been granted, this observation does not appear relevant.

The applicant needs to come forward with deliverable improvements to the footway and cycle way network serving their proposed development; until such time, the recommendation in my previous correspondence dated 21st November 2019 remains fully applicable.

2 March 2020 – additional comments:

I note from the Transport Technical Note dated 11th February 2020 that Cambridgeshire County Councils Transport Assessment Teams do not yet consider the information provided to be sufficient to properly determine the highway impact.

Until such time as they are satisfied that sufficient capacity exists within the existing junction to accommodate movements from the proposed development, I would be concerned that any deficiency in capacity may result in an increased risk of shunt type accidents within the turning lane and injudicious manoeuvres for those trying to find a gap in traffic when turning out.

In addition to the observations and recommendations I previously made in correspondence dated 14th February 2020 and 21st November 2019, I would record

that I concur with the TA team and recommend that the application not be determined until such time as the additional information has been submitted and reviewed.

5.9 Housing Strategy and Enabling Officer - 24 October 2019

This development will trigger affordable housing on site but we have not been consulted.

6 December 2019 – following additional information:

The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 20% affordable housing on site. (Up to 37 dwellings will secure up to 7 affordable dwellings)

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

10 February 2020 – following additional information:

No further comments, and as per those submitted on 6th December 2019.

- 5.10 **Cambridgeshire Fire And Rescue Service - 22 October 2019**
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.
- 5.11 **Consultee For Other Wards In Parish - No Comments Received.**
- 5.12 **Asset Information Definitive Map Team (Public Rights of Way) - 31 October 2019**
Please note Public Footpaths No. 51 & 61 Soham would be affected by this development. To view the location of the public footpaths please view our interactive mapping online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>

The application in its present form does not accurately detail the Public Rights of Way (PROW) network. No plan has been submitted which details the existing, recorded alignment of affected PROWs. Furthermore, section two of the submitted Planning Statement suggests that Public Footpath No. 51 has been diverted, which is incorrect and should be amended. In addition, the site plan indicates alternative alignments of the public footpaths, without any detail on how the applicant proposes to achieve that.

Furthermore, the on-site proposals as it stands would illegally obstruct both Public Footpaths No. 51 & 61 and the submitted documents do not adequately demonstrate how the development would address this. In addition to the incorrect and misleading information contained within the submission, the County Council does not believe this application can be appropriately assessed at this time on its impact on the PROW network within the site. The County Council's Definitive Map team therefore objects to this application and recommend that it is refused by the Local Planning Authority.

Turning to the off-site proposals, the Design & Access Statement states "There is an existing public footpath on site leading into the centre of Soham and this will be upgraded to a cycle way that will link this proposal with the Eastern Gateway proposal and the wider network of local public footpaths." However, no reference to this upgrade is made in the Transport Assessment or any other submitted documentation. This point requires further clarification. Regardless, it has not been demonstrated that the applicant is in control of the land needed to deliver the cycle way and this would only be possible through a Public Path Order made by the County Council. I am not aware of any approach to Cambridgeshire County Council for such an order.

Additionally, Public Footpath No. 51 runs across Registered Common Land. It is illegal under Section 38 Common Act 2006 to undertake any works to Common Land

(to construction a cycle way for example) without the permission of the Secretary of State. It is not a simple process to deliver works on Common Land and it may also require standalone planning permission. The other public footpaths to the south are all across arable land and therefore would require diversion to realistically deliver a cycle way. It is not clear from the submission whether this point is fully appreciated as no firm design proposals have been put forward to address this fundamental issue.

Due to this lack of clarity across the submitted documentation, it is unclear to the County Council what this application actually proposes in terms of off-site Non-Motorised User mitigation. As a result, the County Council's Definitive Map team further objects to the application on this point and recommends that it is refused by the Local Planning Authority.

In addition, the County Council has guidance for Planners & Developers with regarding the boundary treatments and planting adjacent to a public right of a way. The guidance document is available on the County Council website at www.cambridgeshire.gov.uk/definitivemap.

15 January 2020 – following further discussions between agent and County Council:

I have now met with East Cambridgeshire District Council in relation to the Public Path Diversion Order made by them in 2010. It does not appear that the 2010 Order was ever confirmed and so was not implemented. The certificate of Lawful Development demonstrates that the Order is capable of being confirmed.

However, the proposed public footpaths as shown on the Order have not been set out on the ground and even if they were, would likely need to be subsequently diverted again to accommodate the current Soham Lodge development proposal. As discussed in our telephone conversation before Christmas, it does not appear to be in anyone's interest to proceed with the 2010 Order as the site proposals have evolved significantly in the intervening ten years. As such, East Cambridgeshire District Council have agreed to look at formally abandoning the 2010 Order, drawing a line under any previous considerations of Public Rights of Way, and giving flexibility to allow the current proposal to be considered afresh.

As earlier noted, I am therefore content for this issue of Public Rights of Way to be dealt with by matter of a condition to any permission granted by East Cambridgeshire District Council to Application 19/01413/OUM.

5.13 County Council Transport Assessment Team - 24 October 2019

Holding Objection: Insufficient detail has been presented to make a sound assessment. The below issues related to the Transport Assessment will need to be addressed before the transport implications of the development can be fully assessed.

Proposal Description: Agreed

Policy Context: More information needed: Transport Strategy East Cambridgeshire needs to be included within the policy context.

Study Area: Agreed

Traffic Data: Acceptable for use

Accident data: Not acceptable: The use of CrashMap is not acceptable. The latest 60 months of accident data can be requested from CCC.

Trip Generation: Not Acceptable: The applicant has used Irish sites within the assessment, this is not acceptable in Cambridgeshire. Further information to support the no staff trips in the peak hour assumption

Distribution and Assignment: Agreed

Assessment Scenarios and Traffic Growth: Agreed

Junction Modelling: Agreed in principle: Not Agreed: Committed developments must be included

Mitigation: To be agreed

11 February 2020 – comments following additional information:

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.

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

The further information did not overcome the following concerns from the previous response:

Accident Data: Not agreed

Committed Developments: Not agreed

Junction Modelling: Committed Development Review Required

Accessibility: Not agreed

Mitigation: To be decided.

5.14 CCC Growth & Development – 2 March 2020

Table 1 below summarises the contributions requested by the Council. Subsequent sections of this response provide the detailed explanation as to how these contributions have been calculated. The Council provides education mitigation project costs in the form of a Milestone 1 (MS1) report, calculated in accordance with standards defined in Building Bulletin 103. Where no project cost is currently available, the Department for Education (DfE) scorecard costs will be used, in accordance with national guidance, as set out in [Securing Education Contributions for Education](#) (November 2019).

Table 1: S106 contributions – summary table

(for outline planning applications education costs are INDICATIVE ONLY, actual costs will be calculated in accordance with the tables provided in appendix 3)

	Contribution	Project	Indexation date	Trigger
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Early Years	Between £296,242 and £350,064	Primary School places in Soham by either expanding St Andrew's Primary School or a new Soham Primary School	1Q2019	TBC
Primary	Between £313,668	Primary School places in Soham by either	1Q2019	
	and £370,656	expanding St Andrew's Primary School or a new Soham Primary School		
Secondary	£214,875	Expansion to Soham Village College	1Q2019	
Libraries	£20,473	Enhanced Soham library provision	1Q2019	
Strategic Waste	£0			
Monitoring Fee	£150			

5.15 Lead Local Flood Authority – 28 October 2019 (not received by the LPA until 26/02/2020):

We have reviewed the following documents:

- Flood Risk Assessment and Sustainable Urban Drainage System Assessment, Richard Jackson Engineering Consultants, 48431. Dated: September 2017.
- Proposed Site Plan, Terry Stoodley Architect, 16:14:02-K. Dated: 24/01/2017.

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

Clarification on hydraulic calculations

A number of sets of hydraulic calculations have been provided to model the performance of the drainage system. The sets of calculations differ as varying percentages of 'lowest mass balance' have been applied, showing quite different results. For example, when a lowest mass balance of 98.39% is applied, unacceptable levels of surcharging have been shown to occur during a 1 in 1 year event. In addition, a 40% climate change allowance has been applied to each return period event in one set of calculations, which shows significant levels of flooding throughout the system, which is unacceptable to the LLFA. Whilst the system seems to perform well when a lowest mass balance of 99.97% or higher is applied, clarification is required as to which set of calculations should be used to assess the performance of the drainage system.

IDB Consent required

The applicant is proposing to discharge surface water from the site into an existing watercourse which is managed by Middle Fen & Mere Internal Drainage Board (IDB), which is managed by the Ely Group of IDBs. Therefore, a principle agreement must be obtained from the IDB to discharge into their system at the proposed rate.

6 March 2020 – additional comments:

Following additional information, the LLFA are able to remove our objection. The additional documents demonstrate that surface water drainage from the proposed development can be managed through the use of permeable paving, a detention basin and underground storage crates. Conditions have been recommended in relation to surface water drainage scheme and a long term maintenance arrangement for the surface water drainage system, including all SuDs features.

5.16 Minerals And Waste Development Control Team - 30 October 2019

No objection subject to a condition securing a detailed waste management and minimisation plan.

5.17 ECDC Trees Team - 21 November 2019

I object to this proposal as its scale of occupancy will put excessive pressures on the neighbouring County Wildlife Site (Qua Fen Common) an increase in use of this area would have a detrimental effect of the wildlife present. Again due to the proposed scale I have concerns this proposal will have a negative impact upon the landscape character of the area which would be in conflict with guidance within the local plan (ENV1: Landscape and settlement character).

Please be aware my comments are subject to my professional limitations and I recommend you consider to consulting with a landscape architect for a full assessment of these and future plans.

5.18 Environmental Health - 14 October 2019

Under section 6 of the Application Form the applicant has indicated 'no' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. As any residential property is classed as vulnerable to the presence of contamination I advise that contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, to be attached to any planning permission granted.

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

07:30 - 18:00 each day Monday - Friday
07:30 - 13:00 on Saturdays and
None on Sundays or Public 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. 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 Design and Access Statement which states that there will be varied sound attenuation in place for each aspect of the development. For the detached housing there will be "stone filled and planted gabions" and the Care Centre accommodation and Apartment blocks will employ sensitive room placement so as not to have sensitive rooms facing the noise source (A142).

I have read the Noise Impact Assessment produced by Cambridge Acoustics and dated May 2019 but could find no further mention of the gabions mentioned in the Design and Access Statement.

The report suggests that with a 2m high bund running parallel to the A142 external amenity levels will be met.

With regard to internal levels the report has given consideration to sensitive room placement and by using the proposed buildings as screening for the rest of the site (which I welcome) but it is clear that the only way certain parts of the site will meet acceptable levels is to require windows to be closed and with alternative ventilation. I am aware that the LPA does not usually deem this to be acceptable. Section 6.3.3 states that assuming a worst case scenario the extra care facility to the north will require closed windows. I am aware that there is currently an application being considered in Soham for a care home (19/00771/FUM) so you may wish to speak to Barbara about this method of sound attenuation in this context.

As this is an outline application we do not currently have floor plans to indicate where sensitive rooms will be located but the report suggests that these will be placed away from facades facing the A142. Appendix H and I give an acoustic model of the site during the day and the evening with the 2m high bund in place. The number in the white boxes indicate sound levels at the façades. Any number above 50 in Appendix H and 45 in Appendix I will require closed windows and alternative ventilation (if they have sensitive rooms on these facades, such as bedrooms and living rooms). Alternatively, if you find the development necessary and desirable and relax these levels by 5dB then these external figures become 55 and 50 respectively.

The report recommends a further NIA at a reserved matters stage to calculate the insulation requirements of the dwellings. This may only be necessary if you are happy to allow for closed windows and mechanical ventilation.

5.19 Economic Development - No Comments Received

5.20 **Waste Strategy (ECDC) - 30 October 2019**

- o The layout shown on plan 16:14:02 is NOT acceptable to the waste team as it fails to show any collection points for bins and none of the properties have had any consideration given to the collection of waste, bin storage, presentation, vehicle routing or turning.
- o Based on the existing plans ECDC would not be prepared to collect from any properties shown on the plans.
- o The care home would be expected to arrange a commercial waste collection as it does presently as ECDC does not provide a service for commercial companies.

3 March 2020 – additional comments:

Whilst the waste team notes that the original transport assessment showed the swept path analysis for vehicles entering and leaving the site it had not given any information on internal movement and whilst we accept that the plan shown was outline it would not be unacceptable to think that the layout was indicative of the layout likely to be put forward for approval and therefore our original comments regarding the site remain.

5.21 **Anglian Water Services Ltd - 11 October 2019**

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.

Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring phasing plan and on-site drainage strategy.

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 on 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.

Anglian Water would therefore recommend conditions relating to phasing plans and foul water drainage details on site, if the Local Planning Authority is mindful to grant planning approval.

5.22 Environment Agency - 17 October 2019

No comments.

5.23 Natural England - 29 October 2019

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

5.24 Design Out Crime Officer – 18 October 2019:

Thank you for the opportunity to comment on the above Outline Application. As this is Outline only and should planning approval be obtained – this office would wish to be consulted regarding boundary treatments, design and layout and advise on lighting.

I have noted the Design and Access Statement contents, no mention of security but it is only Outline stage. Potentially we would welcome consultation to ensure community safety and vulnerability to crime is addressed with both staff, residents and potential residents for the market homes. No further comments at this stage.

5.25 Cambridge Ramblers Association - No Comments Received

5.26 NHS England - No Comments Received

5.27 **Neighbours** – 30 neighbouring properties were notified, 50 letters of objection received, and the responses received are summarised below. A site notice was also posted on the site and advert posted in the Cambridge Evening News. A full copy of the responses are available on the Council’s website.

- Cumulative impact from the Soham Eastern Gateway development;
- Significant detrimental impact on the biodiversity and wildlife on the Common, particularly Great Crested Newts and Mute Swans who are under concern (Birds of Conservation);
- No objection to the care home being extended but not this level of development;
- Additional traffic on the A142 and other roads within Soham (e.g. Qua Fen Common);
- Open market dwellings are outside of the settlement framework;
- Proposal would affect a Public Right of Way through the Common;
- Pedestrian and cyclist safety issues, no footpaths/cycle paths or lights along the A142;
- Soham Eastern Gateway development is sufficient to provide Soham with enough houses, we do not need anymore;
- Private houses not compatible with care home accommodation;
- Buildings would be out of scale with the surrounding areas;
- General highway safety concerns/Transport Assessment inaccurate;
- Current sewerage system inadequate;
- Noise, dust, light, fuel from cars pollution from the proposal;
- Cannot assume access through the Soham Eastern Gateway development as permission has not been granted;
- No public transport option for future residents;
- Visual impact on the historic landscape;
- The ponds on Qua Fen Common are species rich and would be at risk from this development;

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 6	Residential care accommodation
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
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Country Wildlife Sites
Developer Contributions and Planning Obligations
Design Guide
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
Flood and Water

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations in determining this outline application are the principle of development, residential amenity, visual amenity, highway safety, ecology, flood risk and drainage, and other material matters.

7.2 **Principle of Development**

7.3 The site is situated outside of the settlement framework of Soham. The proposal would provide an extension (providing 35 beds) to the existing care home, as well as providing additional residential (retirement village and open market housing), staff accommodation and 'extra care' facilities, separately to the extension. The open market housing and the retirement village accommodation would not be associated with the existing care home. The indicative site layout plan indicates that the extension to the care home could be 3-storey. However, the Planning Statement states that all of the proposed buildings would be 2 storeys (apart from an element of one storey for the retirement village). Nonetheless, scale is not for consideration as part of this application.

7.4 Paragraph 78 of the NPPF (2019) states that to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all local planning authority policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits. This is also echoed in Policy GROWTH 5 of the East Cambridgeshire Local Plan, 2015 which

highlights the NPPFs thrust of the presumption in favour of sustainable development.

- 7.5 It is therefore necessary to consider the benefits of the proposed development and weigh against any adverse impacts in order to determine whether or not the development comprises sustainable development.
- 7.6 Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways; these are Economic, Social, and Environmental.
- 7.7 In terms of the economic benefits, the proposal would provide short term local employment opportunities during the construction phases of the development and future residents would also contribute towards the local economy by supporting local amenities. The proposal would also offer some employment opportunities from the operation of the care home facilities.
- 7.8 In terms of the social role, the site does not benefit from any existing footways connecting the proposal to the main settlement, there are no bus stops or street lights around the site and residents would be solely relying on the use of the private car to access anywhere outside of the site for leisure and work purposes. The indicative plan shows that pedestrian access could be gained through the existing public footpath link from the east of the site to the Common and beyond. However, this is a soft public right of way and not a solid footpath. The Common is a designated County Wildlife Site and as such the topography and geology of the land does not lend itself to being used as a regular pedestrian route for existing or future occupiers. Furthermore, this cannot be relied upon as serving a safe and reasonable pedestrian connection to the main settlement by virtue of the very nature of the land as it is. The A142 Soham Bypass, immediately adjacent the site, is a main single carriageway relief road, with a 60mph speed limit. Future occupiers could be at risk from traffic noise from the A142, which could not be easily mitigated without significant barriers in place, potentially detracting from the open rural character of the area. There are no street lights along this road and no footpath/cycle way either and as such pedestrians and cyclists would not be able to access or egress the site safely.
- 7.9 In terms of the environmental role, the site is located adjacent to the A142 Soham Bypass, and to Qua Fen Common, which is a designated County Wildlife Site. The proposal would be introducing built development in an area which is not characteristic of residential dwellings and therefore the visual impact of the proposal on the character and appearance of the area is considered to be significantly detrimental. The proposal would also fail to achieve a net gain in biodiversity. The environmental impacts are discussed in more detail further on in this report.
- 7.10 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015, states that outside defined development envelopes, development will be restricted unless it falls within one of the categories listed in the policy. Residential care homes are one of these exceptions and would be accepted under this policy, subject to satisfying the aims and objectives of Policy HOU6.

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 As stated previously, the site is poorly connected to the main settlement and there are no suitable or safe form of foot or cycle ways to access the facilities and services in Soham. It is also considered that the proposal would have a detrimental impact on the character and setting of the surrounding countryside, which is discussed in more detail in this report. In terms of an identified need for such provision, the following applications for care homes within the District have been approved (One of which is subject to the completion of a S106 agreement) by the LPA:

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	Scotsdales Garden Centre, 41 Market Street, Fordham	Approved, 8 th August 2018
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	means of access into the site 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, 6 th April 2018

- 7.13 It is also worth noting that the North Ely Masterplan also includes an 'Extra Care' Facility to be delivered (as a separate phase to Phase 2). However, at the time of writing, the LPA has not received an application for this site.
- 7.14 The Planning Statement, submitted with the application, highlights that the Council's current SHMA, 2013 (Strategic Housing Market Assessment) identifies a need because of the current pressures on the NHS and additional extra care, and in particular nursing care spaces, would help relieve the pressure. The SHMA is 7 years old and is currently being updated and the Council await the outcome of this in light of more up to date research. Notwithstanding this, the applicant has not submitted any further justification of need, other than highlighting the SHMA, as required by Policy HOU6.
- 7.15 **Residential Amenity**
- 7.16 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 seeks all new development to ensure 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. In terms of the impact on nearby occupiers, the nearest residential properties would be those on Qua Fen Common, to the east of the site, adjacent to the Common. The average separation distance between these properties and the site is 110m (approx 361ft). There are a

mix of dwelling types along Qua Fen Common, predominantly 2 storey in height, with a couple of single storey dwellings. They all differ in style, design and plot sizes. The proposal does not include scale and layout as part of this application and therefore this impact cannot be properly assessed. However, the indicative plan shows that a suitable development could be achieved on this site without the significant harm on nearby neighbours from the built form, by virtue of over-looking or over-bearing.

- 7.17 In terms of the impact on future occupiers of the proposal, the development would be situated adjacent to the A142 Soham Bypass which is a single carriageway of speeds of 60mph. Whilst the submitted site layout plan is indicative only, the dwellings would be exposed to noise from the A142. It is accepted that the existing care home is already exposed to the noise levels from the road. An acoustic report has been submitted as part of the application. The report suggests that with a 2m high bund running parallel to the A142, external amenity levels will be met and that the final design would ensure that any habitable rooms are designed so they face inwards into the site rather than facing the A142.
- 7.18 The Environmental Health Officer has assessed the acoustic report in relation to the proposed development. He raises no objection to the proposal or the acoustic report, although he highlights that the LPA does not accept properties having windows shut to achieve acceptable internal noise levels as we do not believe mechanical ventilation is an appropriate living environment for future occupiers. This view remains from the LPA. The 2m high bund along the site frontage also raises significant concerns from a visual amenity point of view, which is discussed in more detail below.
- 7.19 Therefore it is considered that the proposed development would not comply with Policy ENV2 of the East Cambridgeshire Local Plan, 2015, with respect to residential amenity for future occupiers.
- 7.20 **Visual Amenity**
- 7.21 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 relates to landscape and settlement character and requires all new developments to demonstrate that they will create positive, complementary relationships with existing development and will 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;
 - The settlement edge, space between settlements and their wider landscape setting;
 - Public amenity and access.
- 7.22 The site is situated within the open countryside, outside of the main town framework, separated by the Common, which is a designated County Wildlife Site. The immediate surrounding area is characterised mainly by open fields and a reservoir, situated on the opposite side of the A142. The site is currently occupied

by single storey, modest scale buildings, although their presence along the A142 is noticeable.

7.23 It is considered that the proposal would introduce a hard edge form of over development that would be out of keeping and uncomplimentary with the rural character of the wider landscape and would fail to protect, conserve or enhance the settlement edge. The introduction of a 2m high acoustic bund is also considered to significantly detract from the character of the area by virtue of creating a hard edge along the boundary with the A142, which is uncharacteristic with the traditional distinctive soft landscape features which bound the A142. Furthermore, the proposal would not respect the setting of Qua Fen Common, being an area of open space and amenity, and important wildlife value, which also has historic significance within the local area and means of accessibility through the site.

7.24 It is therefore considered that the proposed development would not comply with the aims and objectives of Policy ENV1 of the East Cambridgeshire Local Plan, 2015, in relation to visual amenity.

7.25 **Highway Safety**

7.26 Policy COM7 of the East Cambridgeshire Local Plan, 2015 states that development should be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location. Opportunities should be maximised for increased permeability and connectivity to existing networks. Development proposals shall:

- Provide safe and convenient access to the highway network;
- Provide a comprehensive network of routes giving priority for walking and cycling;
- Protect existing rights of way or allow for agreed diversions in exceptional circumstances;
- Consider the travel and transport needs for people with disabilities;
- Be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality;
- Be accompanied by a Transport Assessment where appropriate.

7.27 The proposal includes means of access as the only matter for consideration as part of this outline application. The site currently benefits from an access direct from the A142 and an egress. The proposed access would be at a single point and would be used for entrance and egress to serve the proposed development. A Transport Assessment has been submitted as part of the application and further information was submitted on the 21st January 2020. This information was sent to the County Council for further consideration.

7.28 The County's Transport Team consider that there is still insufficient information submitted to justify the proposal and the potential impacts on the wider highway network. The Local Highways Authority are also concerned about the proposed access on the basis of the Transport Team's comments in relation to the lack of information submitted as part of the junction capacity assessment. Given the level

of additional work required by the applicant to submit further information, the applicant was advised not to pursue this, as this would unreasonably prolong the application and any further work on this element would not overcome the specific principle concerns from the LPA as discussed above, under Principle of Development.

- 7.29 The Local Highways Authority have also raised the need for the applicant to come forward with a deliverable improvement scheme to the footway and cycleway network serving the proposed development, which has not been addressed through this application.
- 7.30 In terms of car and cycle parking provision, as the plan submitted is indicative only, it appears that adequate parking could be achieved on site for the development, in accordance with the Council's car parking standards and therefore would comply with Policy COM8 of the East Cambridgeshire Local Plan, 2015.
- 7.31 It is therefore considered that the proposal fails to demonstrate that the proposed development would not have a significant impact on highway safety, contrary to Policy COM7 of the East Cambridgeshire Local Plan, 2015.
- 7.32 **Ecology**
- 7.33 Policy ENV7 of the East Cambridgeshire Local Plan, 2015, requires all development proposals to:
- Protect the biodiversity and geological value of land and buildings and minimise harm to loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds;
 - Provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable; and
 - Maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals.
- 7.34 Paragraph 175 of the NPPF is also relevant and highlights the importance of biodiversity and habitats when determining planning applications. It advises that LPAs should apply the following principles:
- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),adequately mitigated or, as a last resort, compensated for, then planning permission should be refused;
 - Development resulting in the loss or deterioration of irreplaceable habitats(such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
 - Development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 7.35 The site is situated adjacent to Qua Fen Common, which is a designated County Wildlife Site. The Common is rich in flora and fauna, including Great Crested Newts, grass snakes, ground nesting birds, owls, deer, and rare plants, to name but a few. Qua Fen Common is part of Soham's historic landscape, and is over 400 years old. The site, subject of this application, does not include the Common land. However, the boundary hedges which separate it from the Common would have ecological value, as well as parts of the site itself that are vacant of buildings and could provide some habitat benefits. The ecological value of the site is therefore considered to be important. The application is accompanied by an Ecological Assessment (Wild Frontier Ecology) which has been extended in response to the Wildlife Trust's initial comments.
- 7.36 The Cambs Wildlife Trust, in their initial response state: *"The original Ecological Assessment identifies the need for further surveys for Great Crested Newts in order to inform a detailed mitigation plan and application for a protected species licence. The ecology report has outlined that the proposed development will need to include creation of alternative great crested newt habitat (and potentially reptile habitat), but the proposed site plan does not appear to currently make provision for this, with limited areas of open space shown mostly as formal garden, and created ponds also appearing to be formal. The report also states that the proposed development allows for the retention of existing ponds on site, but the proposed site plan does not show both ponds retained"* The proposed site plan is indicative only so therefore the final design of the site could change and would not be part of any approval.
- 7.37 Wild Frontier Ecology responded to these initial comments which included a revised proposed development plan (Figure 1 of their response, dated 19th November 2019) which essentially shows a reduced developable area at the western side of the site to be allocated as retained and enhanced habitat for great crested newts. This was sent to the Wildlife Trust for further consideration and advised the LPA that whilst the revised development plan should provide sufficient scope for great crested newt mitigation (with details to be agreed as part of a protected species licence application), it is still likely that there would be a net (biodiversity) loss on site. The Wildlife Trust also advises that the proposed contribution to the Soham Commons Biodiversity and Access Enhancement scheme could potentially allow off-site gains to be achieved, and therefore provide an overall net gain. However, an appropriate level of contribution to this scheme would still need to be agreed.
- 7.38 The plan submitted with Wild Frontier Ecology's letter (Figure 1), would mean a significant change in the proposal, in that a large amount of housing would need to be deleted from the scheme (essentially the 37no market housing), changing the proposal description and therefore removing a significant amount of development from the overall scheme. This has not been included as part of the amendments and therefore the proposal still includes this development and does not allow for these biodiversity improvements. Nonetheless, these amendments would still not overcome the principle concerns of this application.
- 7.39 It is therefore considered, that the proposed development fails to provide adequate ecological provision, enhancement or mitigation to achieve a biodiversity net gain,

and as such is contrary to Policy ENV7 of the East Cambridgeshire Local Plan, 2015 and Paragraph 175 of the NPPF.

7.40 **Flood Risk and Drainage**

- 7.41 Policy ENV8 of the East Cambridgeshire Local Plan, 2015, states that all developments and re-developments should contribute to an overall flood risk reduction. The site is situated within Flood Zone 1 which means it is in the lowest risk area of surface water flooding and where development should normally be located. Policy ENV8 also required that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site, and that issues of ownership and maintenance addressed. The application has been accompanied by a Flood Risk Assessment (FRA) and a SuDS drainage assessment as required by Policy ENV8 due to the major nature of the application.
- 7.42 The FRA and the drainage scheme has been assessed by the Local Lead Flood Authority. The LLFA's initial comments advise that the hydraulic calculations contained within the report needed further clarification and recommended a holding objection on this basis. Clarification was sought from the applicant and this was sent to the LLFA for their further consideration. The LLFA have advised that the additional information to mitigate against surface water flooding and drainage is acceptable and they are able to remove their objection.
- 7.43 In terms of foul water drainage, Anglian Water advise that the local catchment area does not have capacity but they are obliged to accept flows and would take the necessary steps to ensure there is capacity if approved. As such, a condition requiring foul water drainage details on the site is recommended, which could be secured by condition, if planning permission was granted.
- 7.44 It is therefore considered that the proposed development complies with Policy ENV8 of the East Cambridgeshire Local Plan, 2015, in respect of drainage and flood risk.
- #### 7.45 **Other Material Matters**
- 7.46 In relation to other material matters, the proposal would trigger the need for affordable housing due to the market housing element of the proposal. Policy HOU3 of the East Cambridgeshire Local Plan, 2015, requires all developments for open market housing of more than 10 to deliver 30% affordable housing, in respect of Soham. However, the recent affordable housing need assessment states that 20% would be the viable quantum of affordable housing. This would equate to 7no houses out of the proposed 37no open market houses. The application proposes to deliver 54 affordable staff flats and houses in lieu of providing any affordable housing. However, these would not be available for those in need of affordable housing from the locality, in accordance with our local housing needs register. Policy HOU3 also does not give the option of accepting residential care staff accommodation in lieu of affordable housing and therefore the proposal fails to comply with this policy.
- 7.47 The site is located within a Sand and Gravel Minerals Safeguarding area. The application does not acknowledge this constraint in the documents submitted.

However, the County's Mineral and Waste Team have considered the application and has advised that they have no objection subject to a condition requiring a detailed Waste Management and Mineralisation Plan. The proposed development is therefore considered to comply with Policy ENV2 of the East Cambridgeshire Local Plan, 2015, in respect of waste management.

- 7.48 The proposed development would affect Public Rights of Way, particularly Footpaths no.51 and 61 Soham which cross the site on the western side. The County's Definitive map Officer initially raised concerns with the proposal potentially blocking these footpaths. However, as per their comments in paragraph 5.12, they have raised no objections subject to a condition requiring additional details of the footpath. The proposed development is therefore considered to comply with Policy ENV2 of the East Cambridgeshire Local Plan, 2015, in respect to Public Rights of Way.
- 7.49 In terms of waste and recycling, the proposed indicative layout plan does not show any collection points for bins and none of the properties have had any consideration given to collection of waste, bin storage, presentation, and vehicle routing or turning. Whilst the plan is only indicative of the layout (layout is not part of this outline application), it is considered that an adequate waste and recycling scheme could be achieved on the site for this amount of development. The Council's Waste Team are therefore objecting based on this lack of information on the submitted indicative layout plan. As such it is considered that the proposed development fails to demonstrate that it complies with Policy ENV2 of the East Cambridgeshire Local Plan, 2015, in relation to waste and recycling.
- 7.50 **Planning Balance**
- 7.51 Section 38 of the Planning and Compulsory Purchase Act, 2004, requires applications for planning to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The application site lies outside of the settlement framework and as such the proposal cannot be in accordance with the Local Plan, as a whole.
- 7.52 However, paragraph 11 of the NPPF is a material consideration where the Development Plan is absent, silent or relevant policies are out of date. In this case, Policy GROWTH2 of the Local Plan, 2015, is considered to be out of date and little weight therefore be attached to it and the tilted balance is triggered. This means that, in accordance with paragraph 11 of the NPPF, the presumption should be in favour of sustainable development and permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole or specific policies in the Framework indicate that development should be restricted.
- 7.53 It is acknowledged that the scheme would provide additional nursing care accommodation within the District, as identified within the Council's SHMA (2013) document. There is a growing need for an ageing population. However, it is considered that the environmental and social harm caused by the proposed development would outweigh the economic benefits of this development, when assessed against the requirements of Policy HOU6 of the Local Plan.

- 7.54 It is considered that the proposed development would introduce a form of development that would be adversely uncharacteristic with the surrounding area, detracting from the rural character of the locality, settlement edge of Soham, and the wider landscape setting. The proposed 2m high acoustic bund along the A142 would further exacerbate the visual amenity of the area and create a solid boundary against an otherwise soft landscaped area. Furthermore, the proposed development fails to provide adequate and safe connections for pedestrians and cyclists to access the main settlement and the wider area by virtue of its position adjacent to the A142 Soham Bypass, which had insufficient infrastructure to ensure the safety of future occupiers, contrary to the aims and objectives of Policies ENV1, ENV2 and HOU6 of the East Cambridgeshire Local Plan, 2015, and therefore amounting to an unsustainable location for the proposed development.
- 7.55 It is considered that the proposed development also fails to demonstrate that it can achieve a biodiversity net gain on or off the site, contrary to the aims and objectives of Policy ENV7 of the East Cambridgeshire Local Plan, 2015 and paragraph 175 of the NPPF.
- 7.56 It is considered that the proposed development would introduce residential development close to the A142, which is a busy single carriageway relief road and exposing future occupiers to an unacceptable level of noise, which could only be mitigated through the permanent closure of windows and other openings, restricting natural ventilation into their homes and significantly reducing their reasonable level of amenity, contrary to Policy ENV2 of the East Cambridgeshire Local Plan, 2015 which seeks all new developments to ensure that future occupiers enjoy high standards of amenity.
- 7.57 It is considered that the proposed development fails to demonstrate that the access is adequate to serve the development and that the additional traffic derived from the proposed development would not have a significant impact on the local and wider highway network. Furthermore, the proposed development also does not indicate that adequate waste and recycling could be achieved on the site, contrary to Policies COM7 and ENV2 of the East Cambridgeshire Local Plan, 2015, and the RECAP SPD, 2012.
- 7.58 It is considered that the proposed development fails to confirm adequate affordable housing as required under Policy HOU3 of the East Cambridgeshire Local Plan, 2015. The proposed development is therefore contrary to this policy as it would not be meeting a local affordable housing need.
- 7.59 The application is therefore recommended for REFUSAL.

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 cost award can be made against the Council.

- 8.2 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.
- 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 site is situated in an unsustainable location, outside of the settlement framework, and physically separated from it, compromising the amenity, well-being and safety of future occupiers;
 - The LHA are objecting to the proposed access and have concerns about the projected traffic generation from the proposed development, affecting highway safety;
 - The proposed development does not demonstrate a biodiversity net gain and the Wildlife Trust are objecting on this basis;
 - The proposed development fails to deliver 20% affordable housing provision.
 - The proposed development would significantly impact on the amenity of future occupiers by virtue of noise from the A142.

9.0 APPENDICES

9.1 None.

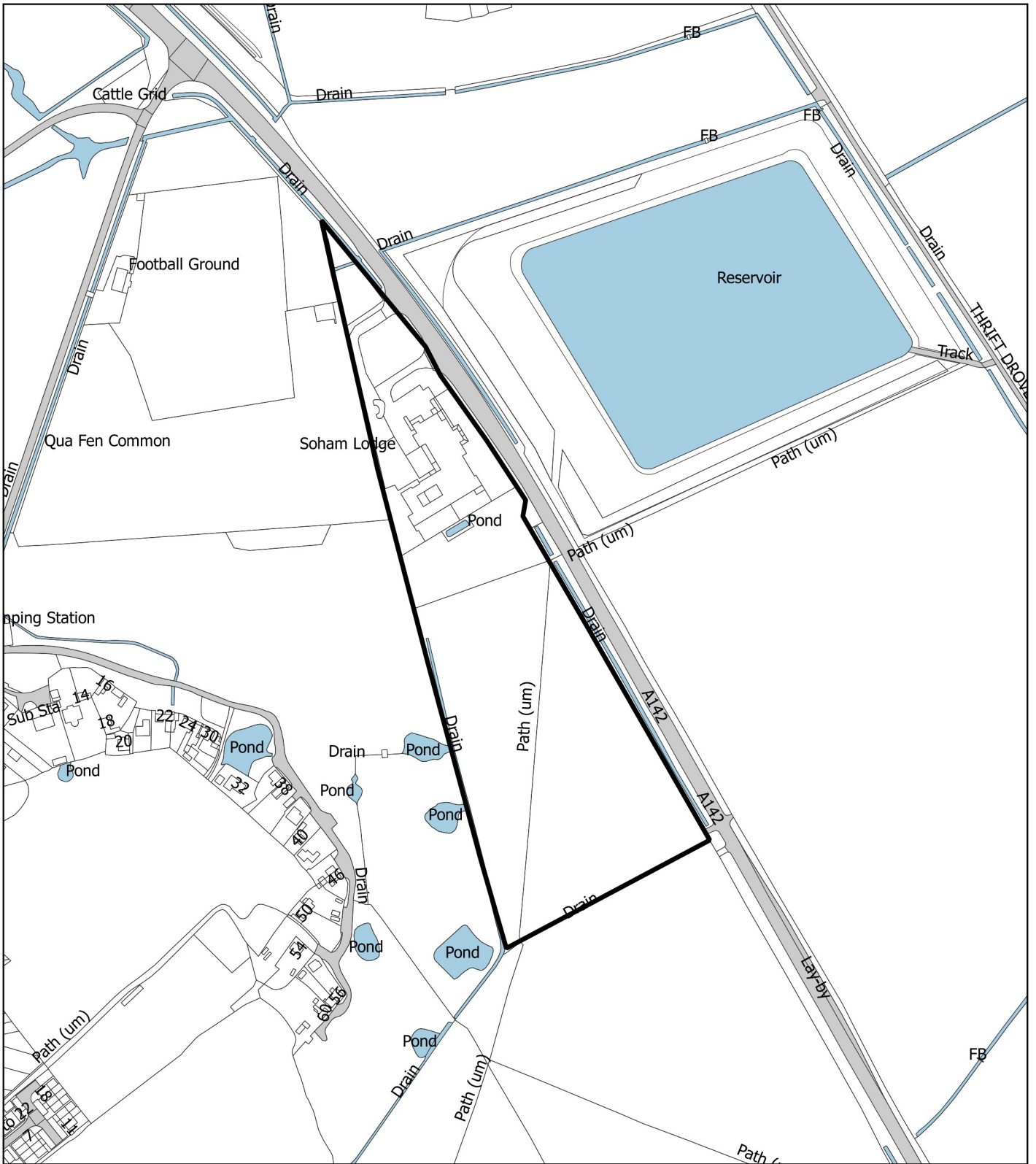
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01413/OUM	Angela Briggs Room No. 011 The Grange Ely	Angela Briggs Planning Team Leader 01353 665555 angela.briggs@east cambs.gov.uk

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>



19/01413/OUM

The Soham Lodge Nursing
Home
Soham Bypass
Soham



East Cambridgeshire
District Council

Date: 10.03.2020
Scale: 1:4,000



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MAIN CASE

Reference No: 19/01635/FUL

Proposal: Continue use of Shop /Cafe with Alterations & Additions to form 1 No. First Floor Flat, Access, Parking & Site Works.

Site Address: 65 High Street Sutton Ely Cambridgeshire CB6 2NL

Applicant: Six And Five Developments

Case Officer: Molly Hood, Planning Officer

Parish: Sutton

Ward: Sutton
Ward Councillor/s: Lorna Dupré
Mark Inskip

Date Received: 26 November 2019 **Expiry Date:** 27 March 2020

[U209]

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the following recommended conditions below:

- 1 Approved Plans
- 2 Time limit
- 3 Specified materials
- 4 Construction times
- 5 Submission of sound insulation
- 6 Restriction of external plant/machinery
- 7 Submission of refuse storage details
- 8 Occupation restriction

2.0 SUMMARY OF APPLICATION

2.1 The application seeks permission to extend the existing building and add first floor above the existing commercial premises to form 1no. residential flat. The proposal includes raising the ridge height and extending above the existing ground floor built form. The ridge height of the building will increase to 7.1m, with an eaves height of 5.2m. First floor built form will extend 12m in length and have a width of 9.8m, as it projects across the existing archway. The existing A1/A3 ground floor space will be retained and the residential flat will have a separate entrance. Amendments have

been received within this application to reduce the residential accommodation from two flats to one.

- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application has been called into Planning Committee by Councillor Dupré and Councillor Inskip as a result of the impact on parking due to this being a congested part of the High Street.

3.0 PLANNING HISTORY

3.1

13/00333/FUL	Change of use from A1 (previous butchers shop) to a deli/cafe (mixed use A1/A3) use with ancillary hot food takeaway (eg sausage rolls, soup, coffee, toasted sandwiches and similar products) and installation of extraction equipment	Approved	07.01.2014
11/01010/FUL	Change of use from A1 (butcher shop) to A5 (take away) and installation of extractor fan	Refused	02.02.2012

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is situated within the settlement boundary of Sutton and is situated in an area with a mix of commercial buildings and residential dwellings. The site is also situated within the Conservation Area for Sutton. The site currently forms a single storey building which has an A1/A3 use, there is a shared access along the east elevation which leads to the two garages and parking for the building.

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.

Environmental Health – 10 December 2019

Due to 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

Mixed use property is often a cause for complaint and so I would ask that the applicant ensures sound insulation is sufficient between the commercial property and the flats. Building Control will ensure insulation standards are met, this is just an extra informative. Early consideration of isolation and insulation measures should be utilised to ensure there are not issues in the future as any mitigation measures fitted retrospectively could be more costly.

The insulation from the commercial premises is also important to prevent the risk of odour from food preparation. This would also include any discharge from extract ventilation. I can see that there is an existing cold store on site but that some works will be required to incorporate the flats. Section 20 of the Application Form states that there will be no mechanical plant or machinery on site. I imagine that there may already be an extraction system in place in the kitchen or condensing units in place for the cold store so if possible I would request a condition which prevents any new mechanical plant from being installed without prior approval from the LPA.

As this application concerns a business I would be grateful if you could pass on the attached information to the applicant as it details their duty of care waste requirements for the business.

As the property consists of flats we would advise the developer to gain advice from the Fire Authority to ensure the correct precautions are in place.

Finally, the applicants should be advised that planning permission does not confer immunity from action under statutory nuisance. Either by local authority or a private individual.

Local Highways Authority - 9 December 2019

The highways authority has no objection in principal to this application, subject to recommended conditions.

CCC Growth & Development - No Comments Received

Waste Strategy (ECDC) - 30 December 2019

No objections. Comments as an informative.

Parish - 18 December 2019

Sutton Parish Council support the concerns of the neighbours and share those regarding local parking in an already over congested area on the High Street.

Ward Councillors - No Comments Received

Conservation Officer - 24 December 2019

The application site is a late C20 single storey retail unit located within the Sutton conservation area by default. The proposed addition of a first floor does not significantly add to the building's bulk and two storey buildings are the prevailing norm in the area in any case. The resultant asymmetrical gable strikes a slightly odd note but its position on the return flank elevation is not prominent in the streetscape, so its impact is limited.

Recommendation: no objection

5.2 A site notice was posted on the 10th December 2019 and an advert was published within the Cambridge Evening News on the 12th December 2019.

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

- Two parking spaces would usually be required per unit, the only parking is the two existing garages which were already allocated to the shop and these are now being double counted.
- Access to the garage is difficult and they are consequently seldom used for parking.
- The building of two flats above is overdevelopment of the site.
- This area of the High Street already has a high on street parking demand, two flats could produce the need for four parking spaces.
- There are house Martins present in the covered arch, which would be destroyed.
- Inadequate parking space and turning facilities for the flats and commercial premises.
- Consider over the structural implications, noise and inconvenience of joining building onto neighbouring property.
- Whilst the amended scheme for one flat will move it nearer to comply with policy, it will make matters worse as the number of bedrooms has increased.
- Number of recent permissions along the High Street have increased on road parking.
- The loss of the garages and cold store for the Deli may impact the future viability of these premises.
- When building work is completed the Café could claim they have advertised for 12 months and then convert the ground floor to residential.
- The proposal is contrary to policy in the Sutton Neighbourhood Plan as it will deliberately lead to the closure of commercial premises.
- Access to The Close should be kept clear.

6.0 **The Planning Policy Context**

6.1 *East Cambridgeshire Local Plan 2015*

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 11	Conservation Areas
COM 7	Transport impact
COM 8	Parking provision
COM 3	Retaining community facilities
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development

6.2 *Sutton Neighbourhood Plan*

NP3 – Sutton Development Envelope

NP8 – Preserving the Historic Characteristics of Sutton
NP9 – Protecting existing services and facilities
NP11 – Retail premises

6.3 *Supplementary Planning Documents*
Design Guide
Developer Contributions and Planning Obligations

6.4 *National Planning Policy Framework 2019*
12 Achieving well-designed places
16 Conserving & enhancing the historic environment

6.5 *Planning Practice Guidance*

7.0 PLANNING COMMENTS

7.1 The main considerations with this proposal are the principal of development, visual amenity, the impact on the Conservation Area, residential amenity and noise, parking provision and highway safety.

7.2 Principle of Development

7.2.1 The Five Year Housing Land Supply report dated June 2019 has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policy within the 2015 Local Plan (GROWTH 2) cannot be considered up-to-date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

7.2.2 The proposal seeks to extend the building and create a first floor, which would accommodate one flat. The building is currently A1/A3 mixed use class and until recently was used as a deli/café. The application will retain the existing commercial premises at ground floor and the proposed residential accommodation will not lead to the removal of the existing community facility. The application will protect the existing commercial facility and retail premises, in accordance with policy NP9 & NP11 of the Sutton Neighbourhood Plan. The flat would have a separate external entrance and would not require access through the existing commercial premises. The retail unit is considered to remain largely unaffected by the proposed residential units and the proposal would not result in a loss of employment premises, compliant with policy GROWTH2. Furthermore the site is positioned within the development envelope, and it is considered that future occupiers would have good access to the services and facilities within Sutton and as result would be considered a sustainable location for development.

7.3 Residential Amenity

7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity

of nearby occupiers. The proposal would adjoin onto No.63, however this dwelling has no first floor windows on the west elevation. Additionally, the proposed first floor structure would be stepped in from the front elevation of the adjoining neighbouring property. Whilst the first floor extension does extend beyond the existing rear elevation of the building and neighbouring property, it is not considered to result in detrimental harm to residential amenity. The proposal is not considered to be detrimental to amenity for the following reasons; the two storey built form extends a further 5.2m beyond the existing rear eaves but includes a sloping roof, meaning at the full 5.2m projection the extension only adds a further 2m to the height.

- 7.3.2 A 2.9m distance separates the eastern boundary and the side elevation of the extension. Furthermore, the neighbouring dwelling has a single storey rear extension which separates the access and the private amenity space. In total there would be 6m between the side elevation of the extension and the private rear curtilage of the adjoining property No.63. The design, scale and location of the first floor extension is not considered to result in significantly harmful overbearing or overshadowing. A first floor side window is proposed on the eastern elevation, however this would serve the hallway and not a habitable room. The rear elevation window, which would serve bedroom 3 is not considered to result in significant overlooking as this would predominantly project across the parking area and roof of the neighbouring dwellings extension. The western elevation window is small in scale and well separated with the neighbouring property due to the road and it is not considered to result in harmful overlooking. The introduction of a first floor flat above the existing commercial premises is not considered to be significantly detrimental to residential amenity and complies with policy ENV2.
- 7.3.3 As the residential accommodation would be situated above the existing commercial properties, consideration has to be given to the impact on future occupiers of the flat from the commercial premises. It is considered that the residential amenity of future occupiers would not be significantly impacted by the commercial premises below due to the opening hours and use class. The opening hours for the A1/A3 are restricted to 07:30-19:00 Monday – Friday, 07:30-22:00 Friday – Saturday and 10:00-16:00 for Sunday. Given the opening times and the scale of the premises below, the commercial use is not considered to result in significant noise and disturbance to above occupiers during unsociable hours.
- 7.3.4 Additionally the floor plan of the flat indicates that bedrooms are mainly located above the archway and would not be directly above the main commercial space. It is considered that the A1/A3 use at ground floor level would not be harmful to the amenity of future residents in terms of noise and disturbance. Environmental Health raised no concerns given that sufficient sound insulation is provided, which can be secured via planning condition. In addition the condition request preventing any mechanical plant from being installed without prior approval from the LPA will ensure residential amenity is protected, complying with ENV2.

7.4 Visual Impact and Heritage Asset

- 7.4.1 The site is visible within the streetscene and the proposed first floor addition would be notable within the streetscene of the High Street, especially when approaching from the west. The extension would be stepped back from the front elevation of the neighbouring property and the sloping roof design minimises the bulk of the

extension. The proposal is considered to be subservient to the neighbouring property and the design of the building ensures a dominant level of built form would not be introduced in the streetscene. The immediate streetscene has a large proportion of two storey or one and a half storey buildings, therefore the addition of a first floor would not be out of keeping with the existing context of the streetscene.

- 7.4.2 Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The brickwork, roof tiles and windows proposed will match those of the original dwelling, ensuring the extension will remain in keeping and similar in appearance. A small section of Marley Cedral Lap Weatherboard in a slate grey is proposed on the front and rear elevations, whilst this is not present on the building, it is not considered to be significantly harmful given the range of materials present within the streetscene.
- 7.4.3 The site is situated within the Sutton's Conservation Area, Policy ENV11 of the Local Plan states that development proposals within Conservation Areas should be of a particularly high standard of design and materials in order to preserve or enhance the character the area. In addition section 72 (1) of the Listed Buildings and Conservation Areas Act 1990 requires special attention to be paid to the desirability of preserving and enhancing the character of appearance of an area, with respect to any buildings or other land in a Conservation Area. The Conservation Officer advised that the proposed addition of a first floor does not significantly add to the building's bulk and two storey buildings are the prevailing norm in the area in any case. The resultant asymmetrical gable strikes a slightly odd note but its position on the return flank elevation is not prominent in the streetscape, so its impact is limited. Therefore the proposal is not considered to result in demonstrable harm to the Conservation Area and would remain in keeping with the character of the area, complying with policy ENV11 of the Local Plan 2015 and NP8 of the Sutton Neighbourhood Plan.
- 7.4.4 In accordance with paragraph 196 of the NPPF it is considered that the proposal would give rise to less than substantial harm to the significance of the heritage asset; and would provide some public benefit in providing for one dwelling, as the council is currently unable to demonstrate a 5 year housing land supply.

7.5 Highways

- 7.5.1 The application originally proposed two residential flats above the existing commercial properties, which meant that four off street parking spaces would have been required for the site. Neighbour concerns were raised over the available parking provision, the safety of the access to the parking and the existing demand for parking along the High Street. It was considered that the two existing garages and the area to the front would not have adequately provided the parking provision and turning space required. Amendments were made to reduce the proposal to only one flat, meaning that the maximum off street parking spaces required is two.
- 7.5.2 It is considered the amended scheme could adequately provide two off street parking spaces within the existing garages or alternatively have sufficient room for the parking of one vehicle to the front of the garages. Therefore, the proposal would supply appropriate parking facilities for the residential accommodation, complying

with policy COM8. Furthermore, it is considered by reducing the number of residential units, safe and convenient access can now be achieved and the parking or access of the neighbouring property is not compromised. Whilst the neighbour concerns have been noted regarding the access, it is still an existing access to a parking area and could be used for parking at this moment in time. The Local Highway Authority raised no objection to application and advised that the development benefits from an existing access with the highway.

7.6 Other Matters

7.6.1 If the application was to be approved there would need to be a suitable refuse and recycling storage point. It is considered that this can be achieved on the site and therefore can be handled via a planning condition.

7.6.2 Neighbour letters have raised concerns over the viability of the commercial premises as a result of the residential accommodation. In particular, one comment raised concerns over the loss of the cold store and garages. The cold store will remain with the commercial premises and the garages will be retained as parking for the employee of the commercial premises. The agent has confirmed that it is the intention to have the shop manager/employee living within the accommodation above. This would alleviate parking concerns and the need for more than two off street parking spaces. This will be secured via condition.

8.0 Planning Balance

8.1 The proposal represents a sustainable form of development within the settlement of Sutton. The application would be a positive contribution to the local and wider economy in the short term through construction work and it would also contribute an additional dwelling to the local housing stock.

8.2 It is considered that the proposal complies with the aims and objectives of policies within the East Cambridgeshire Local Plan, and the 2019 NPPF. The benefits of the scheme in provision of up to a new residential unit are considered to outweigh the harm caused and the application is recommended for approval.

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 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 point:

The site is situated within the defined development envelope and is not considered to result in significant harm to residential amenity or the visual appearance of the area.

10. APPENDICES

Appendix 1 – list of draft conditions.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01635/FUL 13/00333/FUL 11/01010/FUL	Molly Hood Room No. 011 The Grange Ely	Molly Hood Planning Officer 01353 665555 molly.hood@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 -

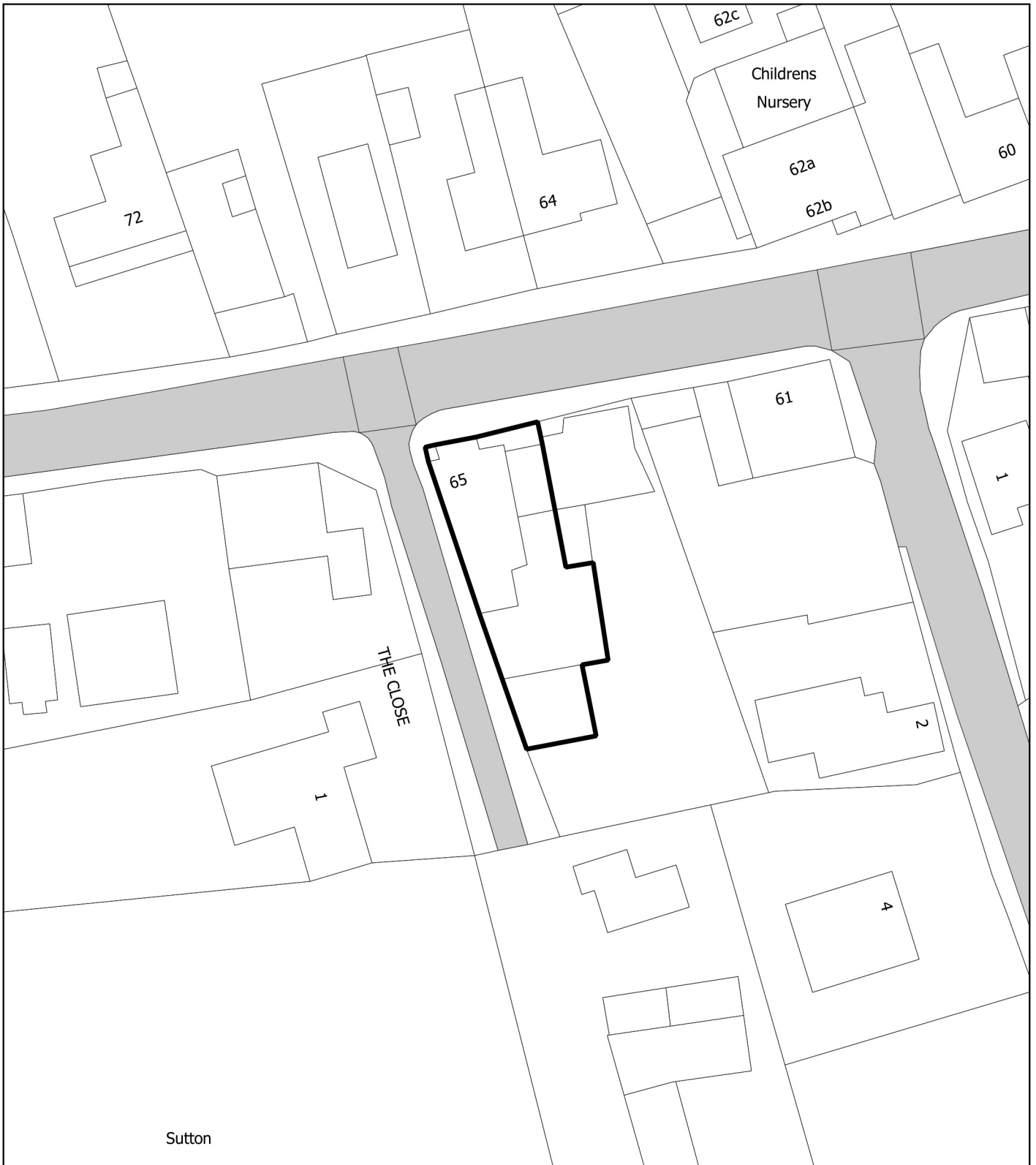
<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Appendix 1 – 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>
19:105-2	B	10th February 2020
19:105-1		26th November 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces, including external walls, roof tiles, windows and doors, shall be as specified on the application form. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 4 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30-18:00 each day Monday-Friday, 07:30-13:00 Saturdays and none on Sundays or Bank Holidays.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 No above ground construction shall take place until a scheme for sound insulation of the building(s) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation or commencement of use of the building(s), and thereafter retained in perpetuity.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 No external plant or machinery shall be brought onto the site without the prior written consent of the Local Planning Authority.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Prior to first occupation of the flat, details of a suitable refuse storage area shall be submitted to the LPA and approved in writing, and thereafter provided and retained in perpetuity.
- 7 Reason: To safeguard the residential amenity of future occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The flat hereby approved shall be occupied by a person working full time in the premises below.
- 8 Reason: The application has been assessed as acceptable on this basis.



19/01635/FUL

65 High Street
Sutton



East Cambridgeshire
District Council

Date: 10.03.2020
Scale: 1:500



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MAIN CASE

Reference No: 19/01589/OUT

Proposal: Proposed detached single storey dwelling, garaging, access road, visibility splays and associated works

Site Address: Site East Side Of Herringswell Road, Herringswell Road Kennett, Suffolk

Applicant: James Hanley

Case Officer: Rachael Forbes, Planning Officer

Parish: Kennett

Ward: Fordham And Isleham
 Ward Councillor/s: Julia Huffer
 Joshua Schumann

Date Received: 30 December 2019 **Expiry Date:** 27th March 2020

[U210]

1.0 RECOMMENDATION

- 1.1 Members are recommended to REFUSE planning permission for the following reasons:
- 1.2 The proposed dwelling would be located within the open countryside, situated approximately 883 metres from the main settlement of Kennett and on an isolated plot, divorced from the nearest pattern of built form along Herringswell Road without a safe pedestrian route to the village. Furthermore, the proposal fails to promote sustainable forms of transport and the future residents of the proposed dwellings would be reliant on motor vehicles in order to access any local services or facilities. The proposal also fails to meet any of the special circumstances as identified in Paragraph 79 of the National Planning Policy Framework. The proposal is therefore contrary to Policies GROWTH 2, GROWTH 5 and COM 7 of the East Cambridgeshire Local Plan, 2015, Paragraphs 8 and 11 of the National Planning Policy Framework, which seeks to promote sustainable development.
- 1.3 The proposed dwelling would result in harm to the character and appearance of the area through the introduction of additional built form in an open countryside location. It is therefore contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 and Paragraph 8c of the National Planning Policy Framework, which states that the planning system should contribute to protecting and enhancing

the natural and built environment and recognising the intrinsic character and beauty of the countryside.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks outline permission for a detached single storey dwelling, garaging, access road, visibility splays and associated works. The only matter for consideration as part of this outline application is the means of access. Appearance, landscaping, layout and scale would be considered as part of a reserved matters application. An indicative layout and design are submitted plans which is for illustrative purposes only. The creation of a new access is proposed from Herringswell Road.

2.2 The planning history at the site consists of 19/01031/OUT which was a similar application for a detached single storey dwelling, garaging, upgraded existing access and associated site works. The application was withdrawn.

2.3 The application has been called into Planning Committee by Councillor Huffer as she feels there is that there is local support for the application and it would benefit from wider scrutiny.

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

3.0 PLANNING HISTORY

3.1	19/01031/OUT	Proposed detached single storey dwelling, garaging, upgraded existing access and associated site works	Application withdrawn	19.11.2019
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is situated outside of the development envelope and close to the East Cambridgeshire border with West Suffolk District Council. The site is part of a County Wildlife Site (CWS), Kennett Restored Gravel Pit and close to Breckland Farmland Site of Special Scientific Interest (SSSI) and Red Lodge SSSI. The site is currently vacant grassland and is largely surrounded by agricultural land and paddocks. There are a few dwellings situated to the south and Grabella Stud situated to the east.

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 Council - No Comments Received

Ward Councillors - No Comments Received

Cambs Wildlife Trust – 24 January 2020

I have reviewed the Preliminary Ecological Appraisal (PEA) report accompanying the above application and have the following comments to make.

As noted in the PEA report, the proposal site is within Kennett Restored Gravel Pit County Wildlife Site (CWS). This CWS was selected because it supports nationally and locally scarce plant species.

I am satisfied from the information provided in the survey that the area of the CWS within the red line boundary is of relatively low ecological value, and development in this part of the CWS would not significantly negatively impact the CWS features of interest. Provided enhancements on adjacent areas of land are carried out as proposed, I therefore consider in this case, development within the CWS would be acceptable.

The mitigation and enhancement recommendations as described in the PEA report (section 6 and the summary table) are appropriate, and should permission be granted, these should be required by way of a suitably worded planning condition(s). Should permission be granted, at reserved matters stage further details of enhancements will need to be provided (e.g. map showing locations of enhancements, details of establishment and ongoing management methods for created habitats, etc.)

Environmental Health - 12 February 2020

Thank you for consulting me on the above proposal. I have read the Envirosearch report dated 17th September 2019. The report shows the site to be situated on Unknown Filled Ground (former gravel pits). This will need further investigation. I recommend that standard contaminated land conditions CM1A and CM4A are attached to any grant of approval due to the proposed sensitive end use (residential).

Local Highways Authority - 14 January 2020

The highways authority has no objections in principal to this application.

After a review of the speed and traffic survey data I am satisfied that the shown visibility splays are in line with the precepts of the reduction in these splays outlined and set by the DMRB. According to our records the visibility splays are within the extent of the adopted highway verge.

This application is for all matters except access. However I have included some recommended conditions relating to the internal arrangement, to ensure that safety is maintained on the highway should this application gain the benefit of planning permission.

Recommended Conditions

H11A - vehicle access location with the highway to be as shown on the approved plans
HW8A - No gates to be erected across the vehicle access within 6m of the back edge of the highway

CCC Growth & Development - No Comments Received

ECDC Trees Team - 30 January 2020

The site is not within a conservation area and not subject to a Tree Preservation Order.

The site is currently a grazed paddock with no trees of significance within the proposed plot, there are also no trees or hedgerows of note on the boundaries of the site. If planning is to be granted a robust landscaping scheme will be required to assimilate and reflect the character of this rural site.

There are no arboricultural reasons for this application to be refused.

Environmental Health - 8 January 2020

I have no comments that I wish to make at this time but please send out the environmental notes.

Waste Strategy (ECDC) - 3 February 2020

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 and/or loose gravel/shingle driveways; 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.

Natural England – 16 January 2020

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.

West Suffolk District Council - No Comments Received

Kentford Parish Council - No Comments Received

- 5.2 Neighbours – 5 neighbouring properties were notified and no responses have been received. A site notice was erected near the site on 15th January 2020 and an advert was published in the Cambridge Evening News on 16th January 2020.

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 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
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

6.3 *National Planning Policy Framework 2019*

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

6.4 *Planning Practice Guidance*

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are:

- The Principle of Development
- Visual Amenity
- Residential Amenity
- Ecology and Trees

- Highway Safety and Parking
- Flood Risk and Drainage
- Contaminated Land

7.2 Principle of Development

- 7.2.1 Paragraph 78 of the NPPF, 2019 states that to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply; there is an essential need for a rural worker; the development would represent the optimal viable use of a heritage asset or would be enabling development to secure the future of heritage assets; the development would re-use redundant or disused buildings and enhance its immediate settings, the development would involve the subdivision of an existing residential dwelling or the design is of exceptional quality.
- 7.2.2 The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all local planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.
- 7.2.3 It is necessary, therefore, to consider the benefits of the proposed development and weigh those against any adverse impacts in order to determine whether or not the development comprises sustainable development.
- 7.2.4 Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways; these are an economic objective, a social objective and an environmental objective.
- 7.2.5 In economic terms, the proposal would result in the erection of one dwelling, which would count towards the Council's housing land supply deficit, however, it would not result in a significant reduction of this deficit. There would only be limited economic benefits from the erection of one dwelling to the local and wider economy through the construction of one new dwelling and the future spending of occupiers.
- 7.2.6 In respect of the social role, Herringswell Road is a 60mph road with no pedestrian footpaths or streetlights. There is a train station which is on the Cambridge-Ipswich railway line and a bus service, which runs between Newmarket and Mildenhall. From the proposed dwelling, the walk to the train station would take approximately 35 minutes and the nearest bus stop is a 20 minute walk. The walk to the primary school would take approximately 25 minutes, the playing field approximately 30 minutes and the church approximately 20 minutes. There are also services in nearby Kentford; the walk to the post office would take approximately 30 minutes. However, the occupants would have to walk along 60mph roads with no streetlighting or footpath for a considerable distance to reach their destination. This

would mean that occupants of the proposed dwelling are very likely to depend on a private vehicle to access local services and facilities. Furthermore, a major extension to Kennett has been approved, consisting of 500 houses.

7.2.7 It is therefore considered that the proposal would not meet the social objective of sustainable development. The limited economic benefit of the proposal would weigh in favour of the proposal. The environmental objective includes the impact of the proposed dwelling on the character and appearance of the area, which will be assessed in the 'visual amenity' section of this report. In accordance with the NPPF, planning permission should only be granted for sustainable development unless any adverse effects of doing so, would significantly and demonstrably outweigh the benefits of the development. This report will show that the proposal is not a sustainable form of development due to the impact on the environmental objective of sustainable development.

7.3 Visual Amenity

7.3.1 Policy ENV1 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 ENV2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

7.3.2 Matters of appearance, landscaping, layout and scale are reserved as part of this application. Only the matter of access is being considered as part of this application.

7.3.3 The proposed dwelling would be situated in an area of grassland, approximately 135 metres to the north and 120 metres north west of the nearest dwellings, Quetta and Grabella Stud. Quetta, along with Anchor Farm, Anchor Stud and Mandisfield are a cluster of dwellings in a linear form, with Grabella Stud set back to the east of Quetta. There are no other dwellings nearby.

7.3.4 Beyond the small cluster of dwellings, the character changes to rural countryside with grassland and fields bordered by hedges, trees and vegetation. The dwelling would not be situated in close proximity to the adjacent dwellings and would appear somewhat isolated in the proposed location.

7.3.5 The dwelling design and site layout, shown on drawing number 19:062-3 are for illustrative purposes only and are not necessarily what the final layout and design would be. However, it is considered that the introduction of built form in this location would result in encroachment into the countryside, which would be further exacerbated by the introduction of a new access and parking/turning area. The addition of a dwelling would increase the sense of suburbanisation of the countryside to the detriment of visual amenity and erode the openness and rural character in this countryside location.

7.3.6 It is therefore considered that the proposal, in respect of visual amenity would be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

7.4 Residential Amenity

- 7.4.1 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.
- 7.4.2 As noted above, the closest residential dwellings to the application are Quetta, which is approximately 135 metres to the south and Grabella Stud, 120 metres to the south east. The proposal is only in outline with appearance, landscaping, layout and scale to be considered at reserved matters stage. Therefore, although elevations and a site layout plan have been shown on the plan, these are indicative only. However, given the separation distances between the application site and the neighbouring dwellings, it is considered that a dwelling could be achieved in this location without a significant detrimental impact to the residential amenity of the neighbouring dwellings.
- 7.4.3 The Design Guide SPD sets out that in most cases building plots should be approximately 300sqm and built form should not take up more than a third of the plot. Rear private amenity space should be a minimum of 50sqm. The plot is in excess of the 300sqm and it is considered from the indicative layout shown that 50sqm of garden space could be easily achieved. It is therefore considered that the proposed dwelling would not be detrimental to the amenity of future occupiers.
- 7.4.4 The proposal is therefore considered to comply with policy ENV 2 of the East Cambridgeshire Local Plan, 2015 in respect of residential amenity.

7.5 Highway Safety and Parking

- 7.5.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards.
- 7.5.2 The site proposes an access from Herringswell Road, which is a 60mph road. Drawing number 19:062-5 shows the provision of visibility splays measuring 2.4 x 150 metres. The indicative plan show a single garage and two parking spaces.
- 7.5.3 The Local Highway Authority have been consulted as part of the application. They have commented that after a review of the speed data provided, that the visibility splays shown are acceptable. The Local Highway Authority have requested conditions for the vehicle access location to be shown as on the approved plans and no gates to be erected across the vehicle access within 6 metres of the back edge of the highway.
- 7.5.4 Policy COM 7 also states that development should be designed to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location. Herringswell Road is a 60mph road, with no footpath or street lighting for a considerable distance before a footpath is reached. This would mean that occupants of the proposed dwelling are very likely to depend

on a private vehicle to access local services and facilities. It is therefore considered that the future occupiers are likely to be reliant on the use of the private motor vehicle and therefore it is considered that the proposal does not comply with policy COM 7 as it does not promote or encourage the use of sustainable transport.

7.6 Ecology and Trees

- 7.6.1 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.
- 7.6.2 The site is part of a County Wildlife Site (CWS), Kennett Restored Gravel Pit and close to Breckland Farmland Site of Special Scientific Interest (SSSI) and Red Lodge SSSI. It is also in close proximity to Moorlands Stud Pit CWS, Kennett Churchyard CWS, Halfmoon Plantation Pit CWS and Slade Bottom CWS.
- 7.6.3 A Preliminary Ecological Appraisal has been submitted for consideration which concludes that the proposed development is expected to have no effects on statutory protected sites or their qualifying features, owing to its relatively small scale, distance to protected sites and limited predicted impacts beyond the area of works. The Wildlife Trust have been consulted as part of the application and have commented that they are satisfied from the information provided in the survey that the area of the CWS within the red line boundary is of relatively low ecological value, and development in this part of the CWS would not significantly negatively impact the CWS features of interest and provided enhancements on adjacent areas of land are carried out as proposed, they consider in this case, development within the CWS would be acceptable. Natural England have also been consulted and they have raised no objections to the proposal.
- 7.6.4 They have also commented that the mitigation and enhancement recommendations as described in the PEA report are appropriate, and should permission be granted, these should be required by way of a suitably worded planning condition(s) and should outline permission be granted, at reserved matters stage further details of enhancements would need to be provided. The mitigation and enhancement measures include the integration of bat and bird boxes in the dwelling, bat and bird boxes in trees, the vegetation on to be kept short and a soft landscaping scheme including planting of trees and hedges and the planting of a wildflower meadow.

7.6.5 In respect of the trees, which are situated to the front of the site, the Trees Officer has commented that there are no trees of significance within the proposed plot and no trees or hedgerows of note on the boundaries of the site. The Trees Officer has requested that if planning permission is granted that a robust landscaping scheme will be required to assimilate the dwelling and reflect the rural character of the site.

7.6.6 It is considered that it has been sufficiently demonstrated that the proposals are unlikely to result in impacts to protected species, habitats or impacts to nearby protected sites and the mitigation and enhancement measures set out in section 8 of the ecology report could be secured by way of a suitably worded planning condition. Therefore, the proposal is considered to comply with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015.

7.7 **Flood Risk and Drainage**

7.7.1 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.

7.7.2 The site is entirely located within floodzone 1 and is therefore considered at the lowest risk of flooding and a location where residential development is acceptable in terms of flood risk. The application form states that surface water will be disposed of via soakaways, however, this has not been shown on the plan. It is therefore considered reasonable and necessary that a scheme for the provision of surface water drainage should be secured via condition, if the application is approved.

7.7.3 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.

7.8 **Contaminated Land**

7.8.1 Policy ENV 9 of the East Cambridgeshire Local Plan, 2015 states that all development proposals should minimise and where possible, reduce all emissions and other forms of pollution, including light and water pollution and ensure no deterioration in air or water quality. Proposals will be refused where there are unacceptable pollution impacts, including surface and groundwater quality.

7.8.2 The Council's Scientific Officer has commented that the Envirosearch Report submitted as part of the application shows the site to be situated on Unknown Filled Ground (former gravel pits) which will need further investigation and has recommended a condition for an investigation and risk assessment of any contamination at the site due to the proposed sensitive end use.

7.8.3 It is therefore considered that the proposal complies with Policy ENV 9 of the East Cambridgeshire Local Plan, 2015.

7.9 Planning Balance

- 7.9.1 The location of the application site, significantly distanced from the established development framework and on a 60mph road with no footpaths or streetlights and is not considered to meet the social or environmental aspects of sustainable development as expected by the NPPF. The dwelling also does not constitute an exception under paragraph 79 of the NPPF.
- 7.9.2 The proposal would provide very limited benefits to the District's housing supply and to the local economy. In addition, the proposal would not create any significant adverse impacts in respect of highway safety, residential amenity, ecology or flood risk.
- 7.9.3 However, in respect of the environmental objective of sustainable development, the dwelling is considered to result in the introduction of built form in this location would result in encroachment into the countryside, which would be further exacerbated by the introduction of a new access and parking/turning area. Furthermore, the addition of a dwelling would increase the sense of suburbanisation of the countryside to the detriment of visual amenity and erode the openness and rural character in this countryside location.
- 7.9.4 The proposal is also considered contrary to policy COM 7 of the Local Plan as it does not promote or encourage the use of sustainable transport.
- 7.9.5 It is therefore considered that the benefits of the scheme would be outweighed by the significant and demonstrable harm which would be caused by the siting of an additional dwelling in an unsustainable location and increasing reliance on the car to give access to services and facilities. The unsustainable location of the site and the significant and demonstrable harm caused to the character and appearance of the countryside are given significant weight in the determination of this application.
- 7.9.6 The proposal is therefore recommended for refusal.

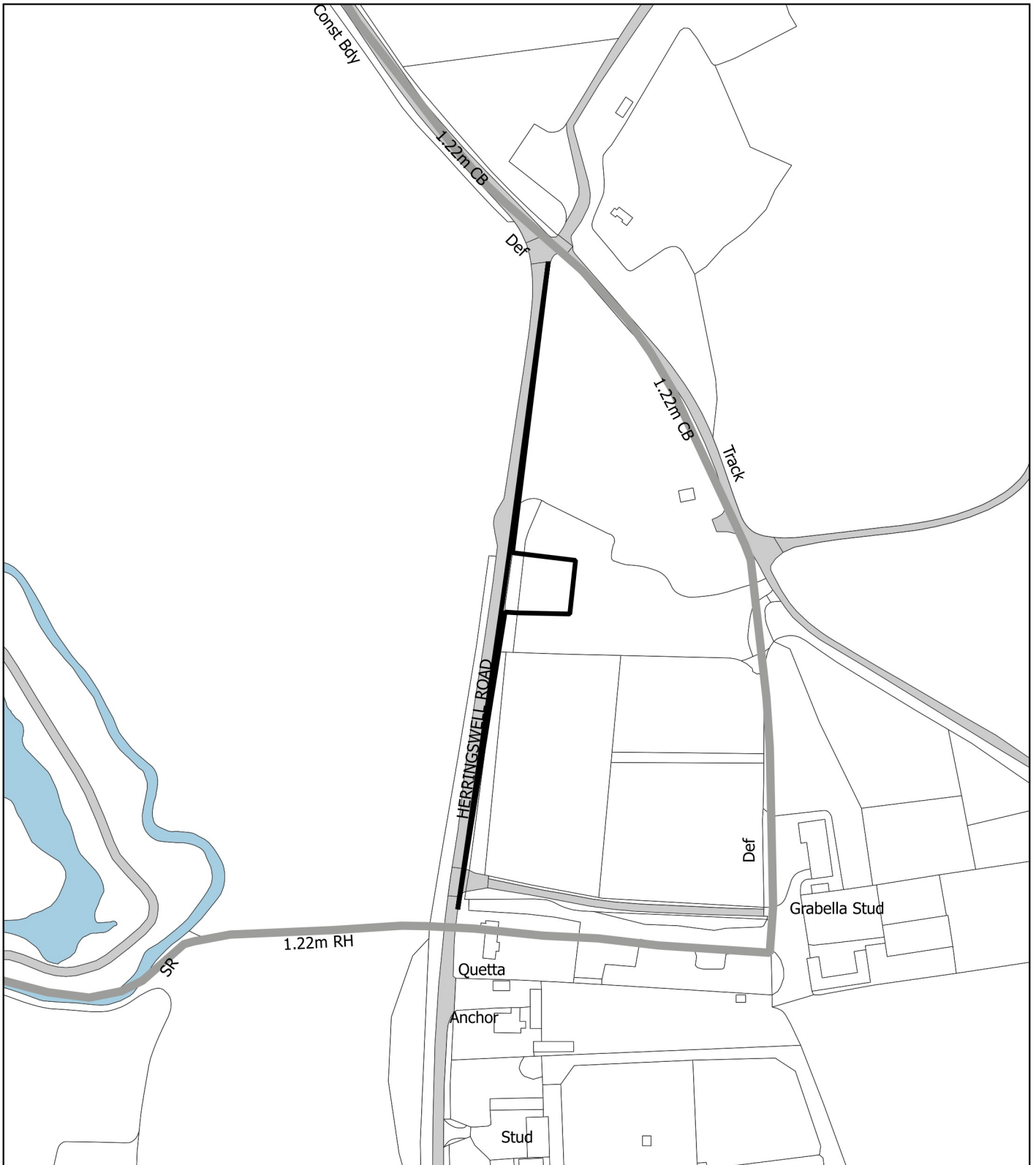
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01589/OUT	Rachael Forbes Room No. 011	Rachael Forbes Planning Officer 01353 665555
19/01031/OUT	The Grange Ely	rachael.forbes@eastcambs.gov.uk

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>



19/01589/OUT

Site East side of
Herringswell Road
Kennett



East Cambridgeshire
District Council

Date: 10.03.2020
Scale: 1:2,500



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MAIN CASE

Reference No: 19/01777/OUT

Proposal: Proposed residential development comprising 4No. dwellings, garaging & access

Site Address: Site West Of 45 East Fen Road Isleham Cambridgeshire

Applicant: Albendan Ltd

Case Officer: Toni Hylton, Planning Officer

Parish: Isleham

Ward: Fordham And Isleham
Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 30 December 2019 **Expiry Date:** 21st April 2020

[U211]

1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit - OUT/OUM - 2+ dwelling
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Site Characterisation
- 5 Reporting of unexpected contamination
- 6 Foul and Surface water drainage
- 7 access to be as shown on plan
- 8 Pedestrian visibility splays
- 9 Recommendations with ECIA to be carried out
- 10 Biodiversity Improvements
- 11 Archaeological Investigation
- 12 Restriction on working hours
- 13 Piling foundations
- 14 Tree Protection Measures
- 15 Phasing
- 16 Restrict Floor area to 999 square metres

2.0 SUMMARY OF APPLICATION

- 2.1 The application is made in outline for the erection of 4 dwellings, all matters are reserved apart from access. The plans submitted are indicative only showing a possible layout for the development of 4 detached dwellings.
- 2.2 Councillor Julia Huffer requested that the application be presented to the Planning Committee, stating “Following our conversation regarding this application should you be minded to approve this can you arrange to have it called in to committee as the Parish Council and members of the public have concerns about it”
- 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/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1 There is no relevant planning history on this site.
- 3.2 There have been applications on land south of 61 – 71 East Fen Road;
17/02020/FUL – 2 x 3 bed bungalows – Approved
17/01247/FUL – 3 x 3 bed bungalows – Approved

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is outside of the development envelope for Isleham although adjoins the boundary to the south, a public right of way runs along the western boundary. To the rear are open fields with views of residential development along Waterside in the distance. To the eastern boundary is a farm access with linear residential development further along East Fen Road.
- 4.2 The site itself is part of an agricultural field with some trees and hedging to the boundary, a pond in the south western corner and the public right of way.

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.

Ward Councillors -

Councillor Julia Huffer requested that the application be presented to the Planning Committee (23.01.2020), stating “Following our conversation regarding this application should you be minded to approve this can you arrange to have it called in to committee as the Parish Council and members of the public have concerns about it”

Isleham Parish Council - 21 January 2020

States "We strongly object to this application on the following Material Planning Considerations: This plot of land is on the recognised circular walk of Isleham village and any development would clearly result in the loss of open and historic views across neighbouring farm land and be a yet further erosion of our rural village character. We believe that it would also add to the flooding experienced by houses/land on this part of East Fen Road.

It is particularly important to note that the proposed development would be sited on prime agricultural land which contains a wide range of wildlife, fauna and flora as well as being immediately in front of the historic Cherry Drove pond. We believe that this development would require the removal of several metres of valuable hedgerow and possibly one of the trees bordering the road.

We therefore feel that the erection of dwellings within this location, which comprises a predominantly open and rural setting, would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominantly rural character of the countryside setting and detrimentally impacting views into and out of the village. The proposed development would create significant and demonstrable harm to the character and appearance to the area and is contrary to Policies ENV1 and ENV2 and paragraphs 14, 17 and 55-68 of the national planning framework.

As you can see from the photographs below, the development would be sited adjacent to and served by an extremely poorly maintained public road. These houses are likely to add a further 8 vehicles to those that already need to use this road, resulting in further damage to this road and increase risk to pedestrians.

It is also our distinct belief that if approved this would be just the first such application for this particular site.

We would once again suggest that such a development would be completely out of proportion to both the neighbouring properties as well as the needs of the village.

The infrastructure of our village is already at breaking point. This part of Isleham already experiences significant drops in water pressure and challenges with other utilities including regular power cuts. The village is served by just one bus a day, there is just one shop (which already causes major problems with parking) and the school is running at capacity with some families already having to transport their children to schools in neighbouring towns and villages. There are VERY limited employment opportunities within the village with the vast majority of adults having to travel to neighbouring towns and cities further adding to congestion and pollution.

In November 2019 we undertook a Housing Needs survey and given that there are already a substantial number of similar properties for sale in Isleham we do not feel there is the need to lose yet another rural part of our village to development. The website www.rightmove.co.uk identifies 41 houses already for sale in the village and this at the start of January, when the market is typically low. The vast majority of these houses are being sold for a price extremely similar to this particular application.

This application should also be seen in the context of the already approved development by Bloor of 125 homes, two further applications for 200 and 80 houses

respectively and the 117 hundred individual / smaller scale developments which have been built or approved in the three-year period 2016-2019

We also appreciate that East Cambs District Council have a target to find 18,000 new houses, across the district but we do believe that this should be achieved in a proportionate manner and where there is an identified need and not just because land owners are willing to sell!

In 2017 Isleham had 1076 dwellings. This would therefore equate to a 52% increase in the number of houses in our village. This has and will continue to have a significant, detrimental impact on the character of our village with absolutely no agreed improvement to our infrastructure”

Asset Information Definitive Map Team - 23 January 2020

States “Please note Public Footpath No. 2, Isleham runs along the western boundary of the development. To view the location of the footpath please view our interactive mapping online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Whilst the Definitive Map team do not have any objection to the development proposal, the applicant should be aware of the presence of the public footpath, its legal alignment and width.”

Local Highways Authority - 13 February 2020

States “The Highways Authority has no objection in principal to this application This application is outline with access only as such the internal arrangement will be decided at a later date. Whilst I have no objection to the location of this access and the principal of the development the LPA and developer must ensure that there is sufficient room for vehicles to enter turn on site and leave in a forward gear during the reserve matter application which is outside the remit of this application. The shown visibility to the right is actually less than the achievable distance. The location of the access near the bend in the road will increase the distance drivers can see and the visibility to the left is in line with current guidance. The speeds of vehicle passing this access will be lower than the posted speed limit therefore I have no concerns with the proposal or visibility.

Recommended Conditions and Informative relating to access and pedestrian visibility.

ECDC Trees Team - 24 January 2020

States “The site is outside any Conservation Area and is not subject to any Tree Preservation Orders.

No site visit made comments from street view with access to site photos unavailable

The site is agricultural with a hedge to the front (southern) boundary which is atypical of an unmanaged agricultural hedge, with a poor specimen tree (if still standing) on the south west corner (Ash).

The hedgerow is proposed for retention which is desirable although it will require a management proposal to bring it into a state appropriate for being at the front of

dwelling along with details of protection so it isn't destroyed during any development. The proposed access appears to use an existing gap in the hedge.

Overall there are no significant arboricultural issues to refuse this application - a robust landscaping scheme and management proposal for the hedge will be required along with protection measures during development.”

Environmental Health - 8 January 2020

No objection subject to conditions relating to contamination, working hours and piling foundations.

Waste Strategy (ECDC) - 3 February 2020

Payment towards the provision of bins.

Cambridge Ramblers Association - No Comments Received

Cambridgeshire Archaeology - 14 February 2020

States “We do not object to development proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG”

Cadent Gas Ltd - 13 January 2020

Apparatus is nearby and needs to be considered in the construction of the development.

Cambs Wildlife Trust - 26 February 2020

States “I have no specific comments to make with regards to ecological impacts of the above planning application. The Ecological Impact Assessment identified no significant constraints to development and has made suitable recommendations with regards to protected species. As with any application, this proposal should aim to deliver a net gain in biodiversity, in line with local and national planning policy, and therefore in addition to the suggested bat and bird boxes, I recommend detailed landscape proposals incorporate native and/or wildlife friendly planting.”

CCC Growth & Development - No Comments Received

5.2 Neighbours – 7 neighbouring properties were notified and 6 responses were received and are summarised below. A full copy of the responses are available on the Council’s website.

- Outside of the development envelope
- Close to a Public Right of Way
- Harm to the views, visual amenity
- Harm to biodiversity
- Harm to the trees
- Poor parking and turning
- Impact of surface water and drainage issues
- Highway safety
- Form and character
- Impact on the landscape

5.3 A site notice was displayed near the site on 15th January 2020 and advert was placed in the Cambridge Evening news on 16th January 2020.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 14	Sites of archaeological interest
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
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

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed places
- 9 Promoting sustainable transport
- 14 Climate change, flooding and coastal change
- 15 Historic environment
- 16 Natural Environment

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.1.1 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

- 7.1.2 The benefits of this application are considered to be: the provision of four residential dwellings built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.
- 7.1.3 The fact that the Council cannot currently demonstrate that it has an adequate five year supply of housing does not remove development envelopes. It does however restrict the application of policy GROWTH 2 within the Local Plan, which states that outside defined development envelopes, development will be strictly controlled and restricted to the main categories set out within the policy.
- 7.1.4 The site is located outside the established development framework of Isleham, however, the site adjoins the settlement boundary in a number of places. The site is therefore considered to be sufficiently well connected to the settlement, alongside a number of residential dwellings and within close proximity to the facilities and services on offer in the village.
- 7.2 Residential Amenity
- 7.2.1 The main dwellings to be affected by the proposed development would be 23 Goodchilds Gardens, 20, 22, and 32 East Fen Road. The distances between the site and the nearest dwellings are between 15 and 30 metres. Taking these distances into consideration it is unlikely that the proposed dwellings would prove to cause harm to their amenities by way of being overbearing, overlooking or detract light. It is considered that the dwellings can be designed as part of a reserved matters application to ensure all of the neighbours' amenities are maintained. On this basis the proposal is considered to comply with policy ENV2 of the East Cambridgeshire District Council Local Plan 2015 and Design Guide SPD 2012.
- 7.2.2 The site can accommodate 4 dwellings and provide garden sizes in excess of 50 square metres, in compliance with policy ENV2 of the East Cambridgeshire District Council Local Plan 2015 and Design Guide SPD 2012.
- 7.3 Visual Amenity
- 7.3.1 A number of concerns have been raised with regard to the visual impact of the proposal. At this stage of the outline process there are no designs of the dwellings to indicate their height or form so the application cannot be assessed on this basis as this will form part of the reserved matters stage. It is understood there will be a loss of view, however in planning terms the right to a view is limited and the view itself is of open fields and glimpses of residential development along Waterside can be seen from the site. The view itself is not considered to be exceptional to consider the application unacceptable. The design of the dwellings has yet to be agreed and it is expected that the dwellings would be single storey, with the possibility for accommodation within the roof space which would allow for views through the site and beyond.
- 7.3.2 There is no doubt that the proposal would change the views of the area, however it is not considered to be detrimental to this village edge location, particularly when development further along East Fen Road has been permitted for single storey dwellings at the end of the established row of dwellings. Applications 17/02020/FUL and 17/01247/FUL for a combination of 5 dwellings. Whilst precedence is not a

reason support a proposal there are significant comparisons of the site which are also applicable to the application site. The sites adjoin the development framework, on open fields and can be limited in scale. On this basis the proposal is considered to be in compliance with policy ENV1 of the East Cambridgeshire District Council Local Plan 2015.

7.4 Historic Environment

7.4.1 The site is not within close proximity to a Listed Building nor the Conservation Area, however the site is considered by the Historic Environment Team from the County Council to have the potential for archaeology. In close proximity to the site there has been evidence suggesting Roman, medieval and post medieval occupation. Whilst there is no objection to the proposal it will require the submission of Written Scheme of Investigation to determine any archaeological value. On this basis the proposal is considered to comply with policy ENV14 of the East Cambridgeshire District Council Local Plan 2015.

7.5 Highways and Public Right of Way

7.5.1 In consultation with the Highways Officer the proposal is considered acceptable. Whilst the internal arrangement has not been shown, it is considered that it can achieve adequate turning and manoeuvre space for vehicles to leave in a forward gear. The development can accommodate a minimum of 2 parking spaces per dwelling as shown on the indicative layout plan. On this basis the application complies with policies COM7 and COM8 of the East Cambridgeshire District Council Local Plan 2015.

7.5.2 A public right of way runs along the western boundary of the site and in consultation with the Rights of Way officer there is no objection to the proposal. Being adjacent to a public right of way does not preclude development from taking place, however it should remain available to all with no encroachment. Any proposal will need to ensure that the right of way remains open at all times as well as no storing of materials which would restrict access which can be dealt with by way of an informative to any planning permission issued. On this basis the application complies with policies COM7 and COM8 of the East Cambridgeshire District Council Local Plan 2015.

7.6 Ecology and trees

7.6.1 The application was supported by an Ecological Impact Assessment due to the nearby pond and existing vegetation on the site and was assessed by the Wildlife Trust. It was considered that recommendations for protecting species during development is acceptable and the report should be conditioned to ensure that this is carried out. To ensure a net biodiversity increase a scheme to include bird and bat boxes in the final construction of the dwellings would be required. A detailed landscape scheme should also be provided to enhance the biodiversity of the site. It is considered that the scheme can provide a biodiversity net gain in accordance with policy ENV7 of the East Cambridgeshire District Council Local Plan 2015.

7.6.2 The application states that the trees and hedge to the front will be maintained during construction. In consultation with the tree officer the proposal was not considered to be detrimental to the health of the trees and suggested a condition relating to a scheme of tree protection during construction. The application has not provided any form of landscaping as this would be part of a future reserved matters application. It

is considered that the proposal complies with policy ENV1 of the East Cambridgeshire District Council Local Plan 2015.

7.7 Flood Risk and Drainage

7.7.1 The site is within the Flood Zone 1, where you would expect vulnerable developments such as dwellings to be located. With regard to drainage and surface water this can be addressed by way of condition requiring this detail to be submitted at a later date. On this basis the proposal is considered to comply with policy ENV8 of the East Cambridgeshire District Council Local Plan 2015.

7.8 Other material considerations

7.8.1 Concerns have been raised with regard to the loss of agricultural land and lack of infrastructure in the village. The site is approximately 0.25 hectares of good agricultural land. Whilst there is a loss of agricultural land in this location, it is not a reason to refuse an application.

7.8.2 With regard to the lack of infrastructure, it is a typical village in the East Cambridgeshire District, having some facilities, restricted transport links with a historic core to the village. The village does have some services, including schools, shops, places of worship and social facilities. It is understood that there are some issues relating to infrastructure but the village can accommodate residential development in this location and scale. It is recognised that the school in the village is at capacity with planned development and cannot accommodate additional students, however this is a small scale development and by the time this scheme comes to fruition there may be other alternatives. In addition the small scale development of 4 dwellings is likely to have a minimal impact on the school.-

7.9 Planning Balance

7.9.1 The site is not within an established development envelope, however at a time when the Local Planning Authority cannot demonstrate a 5 year housing land supply, new developments put forward which would be considered to be in a sustainable location should be considered favourably unless there other material considerations which dictate otherwise. The site can provide 4 new dwellings on a site sharing a boundary with the development envelope and could ensure all neighbouring amenities are maintained. It cannot be denied that the open view will be lost, but any reserved matters application could be designed to ensure views can be seen through the development and beyond. On this basis the proposal is recommended for approval.

8.0 APPENDICES

Appendix 1 - Suggested Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01777/OUT	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Planning Officer 01353 665555 toni.hylton@eastca

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 - 19/01777/OUT Conditions

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

Plan Reference	Version No	Date Received
19:120 – 2		11.03.2020
GWA – Isleham EcIA 20190529_001		11.02.2020

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

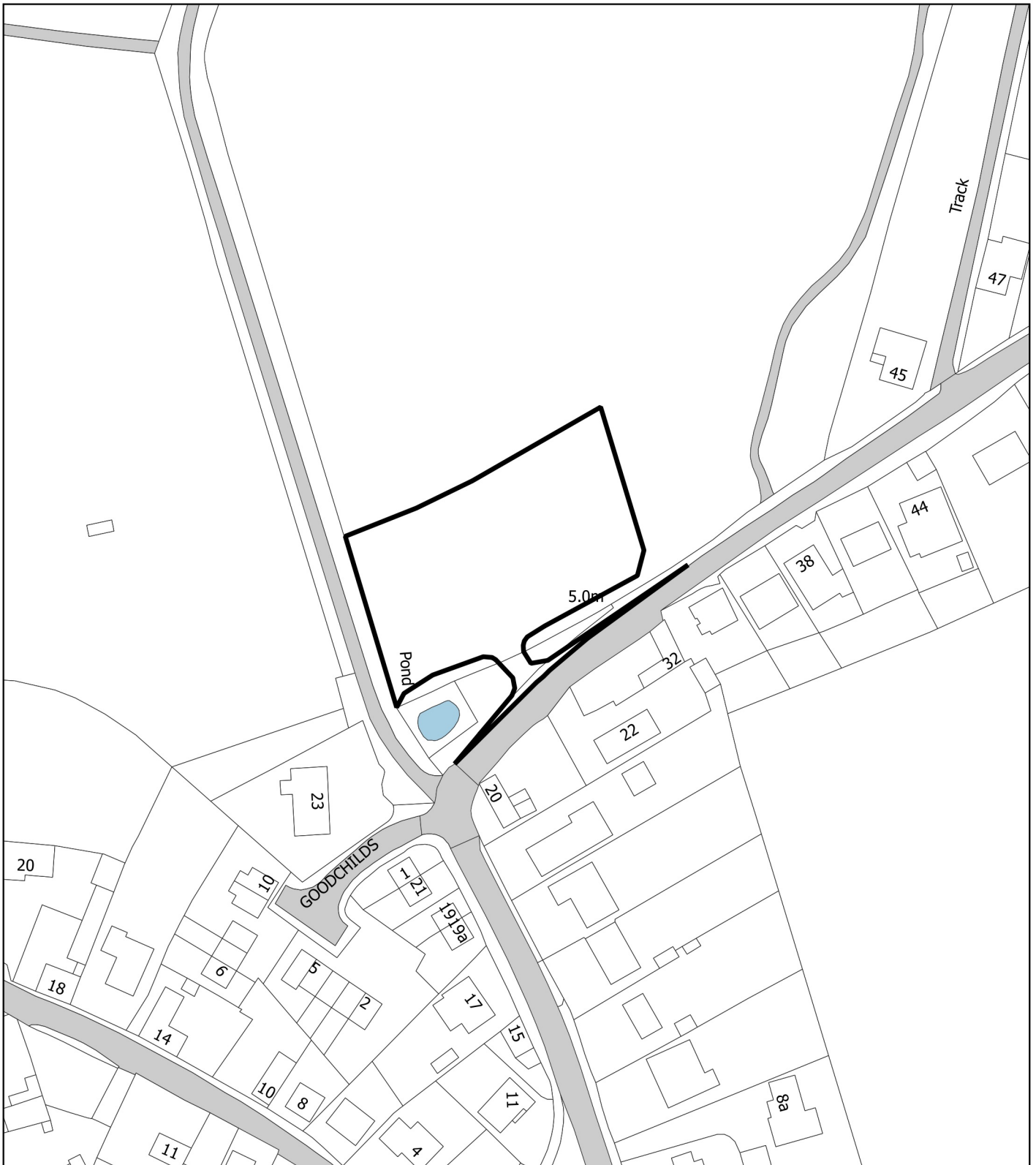
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The

condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 No development shall take place until a scheme to dispose of Foul and Surface Water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the first occupation of the dwellings hereby approved.
- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 7 The access as shown on Plan 19:120-2 shall be implemented prior to the first occupation of the dwellings hereby approved and thereafter retained in perpetuity.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to the commencement of the use hereby permitted visibility splays of 2metres by 2 metres shall be provided each side of the vehicular access measured from and along the highway boundary. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the highway verge
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 The Ecological Impact Assessment submitted shall adhere to the recommendations made within the report as shown in chapter 8 of the GWA - IslehamECIA20190529-001 during the construction of the dwellings hereby approved.
- 9 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 10 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 11 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 11 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.
- 12 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours:
07:30 - 18:00; each day Monday-Friday,
08:00 - 13:00; Saturdays
and none on Sundays or Bank Holidays or Public Holidays.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 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.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to 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 within the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

- 14 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 The development hereby permitted consists of three phases as shown on Drawing No. 19:120 – 1 and shall be completed in accordance with the phasing plan submitted.
- 15 The applicant has requested that the development be undertaken in a phased manner for the purposes of CIL.
- 16 The floor area of the whole site shall not exceed 999 square metres including outbuildings.
- 16 Reason To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and to ensure the built development does not exceed 1,000 square metres in accordance with policy HOU3 of the East Cambridgeshire District Council Local Plan 2015.



19/01777/OUT

Site West of
45 East Fen Road
Isleham



East Cambridgeshire
District Council

Date: 10.03.2020
Scale: 1:1,250



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