



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

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## MEETING: **PLANNING COMMITTEE**

TIME: **3:15pm**

DATE: Wednesday, 4<sup>th</sup> September 2019

VENUE: Council Chamber, The Grange, Nutholt Lane, Ely

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

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### **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 Sue Austen  
Cllr Alec Jones  
Cllr John Trapp  
Cllr Gareth Wilson

#### **Substitutes:**

Cllr David Ambrose Smith  
Cllr Lis Every  
Cllr Julia Huffer

#### **Substitutes:**

Cllr Charlotte Cane  
Cllr Simon Harries  
Cllr Christine Whelan

#### **Lead Officer:**

Rebecca Saunt, Planning Manager

**Quorum:** 5 Members

**PLANNING COMMITTEE TO MEET ON SITE AT 2:00PM**

## **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 7<sup>th</sup> August 2019
  
4. **Chairman's Announcements** **[oral]**
  
5. **19/00519/FUL**  
Construction of 4No. 3 bed houses and refurbish existing 3 bed property on site with associated external amenity spaces, landscaping, parking and access arrangements.  
  
51 Cannon Street, Little Downham, CB6 2SS  
Applicant: Mr Jason Constable  
  
Site Visit: 2:00pm
  
6. **19/00544/FUL**  
Construction of 1No. 3 bed house with associated external amenity spaces, landscaping, parking and access arrangements.  
  
Site South of 7 White Horse Lane, Little Downham  
Applicant: Mr Jason Constable  
  
Site Visit: 2:00pm
  
7. **Planning Performance Report – July 2019**
  
8. **Planning Customer Satisfaction Survey – 6 Month Feedback**

## NOTES:

1. Members of the public are welcome to attend this meeting. There are a number of schemes aimed at encouraging public participation in the Council's activities and meetings. These include public question times and a process to enable petitions to be submitted. Details of these can be obtained by calling any of the telephone numbers below or by logging onto the Council's website.

The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of 30 seated people and 20 standing.

2. Fire instructions for meetings:
  - If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.
  - The fire assembly point is in the front staff car park by the exit barrier.
  - This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.
  - The Committee Officer will sweep the area to ensure that everyone is out of this area.
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](mailto: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, 7<sup>th</sup> August 2019 at 2.00pm.

**P R E S E N T**

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

**OFFICERS**

Maggie Camp – Legal Services Manager  
Barbara Greengrass – Planning Team Leader  
Richard Fitzjohn – Senior Planning Officer  
Anne James – Planning Consultant  
Catherine Looper – Planning Officer  
Janis Murfet – Democratic Services Officer  
Andrew Phillips – Planning Team Leader  
Rebecca Saunt – Planning Manager  
Russell Wignall – Legal Assistant

**IN ATTENDANCE**

Cllr Alan Sharp  
Cllr Amy Starkey  
Approximately 30 members of the public

*Prior to the formal commencement of business, the Chairman informed those members of the public present that they were welcome to film or record the proceedings. However, if there was any disruption he would stop the meeting.*

**16. APOLOGIES AND SUBSTITUTIONS**

An apology for absence was received from Cllr Lisa Stubbs.

It was noted that Cllr Huffer would substitute for Cllr Stubbs for the duration of the meeting.

It was further noted that Cllr Schumann would be joining the meeting very shortly.

**17. DECLARATIONS OF INTEREST**

The Chairman declared a prejudicial interest in Agenda Item 8 (19/00479/FUL, Plot 1, Land to Rear of 17 Short Road, Stretham), saying that he had already expressed his opposition to the application. He said he would vacate the Chair for this item but would exercise his right to address the Committee in his capacity as a Ward Member and then leave the Chamber.

The Planning Manager declared an interest in Agenda Item 8, as the application site was adjacent to her parent's house. She said that she would leave the Chamber prior to consideration of the item.

**18. MINUTES**

It was resolved:

That the Minutes of the meeting held on 12<sup>th</sup> June 2019 be confirmed as a correct record and signed by the Chairman.

**19. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that Cllr D Ambrose Smith had replaced Cllr D Schumann as a Substitute Member on the Planning Committee.

*Cllr J Schumann joined the meeting at 2.05pm.*

**20. 18/01303/FUL – GOSLING COTTAGE, 165 THE STREET, KIRTLING**

Anne James, Planning Consultant, presented a report (U44, previously circulated) which sought consent to demolish the existing cottage and outbuildings and erect 6 dwellings together with associated cartlodge/outbuildings, parking and access points on land at 165 The Street.

A number of amendments had been made to the scheme during the course of the application, reducing the number of dwellings from 10 to 6. Paragraph 2.3 of the Officer's report set out the proposed mix of accommodation.

The site comprised an irregular strip of land which was located to the south west of Kirtling village in the south of the District. It was long and narrow, measuring approximately 310 metres deep and benefitting from a 52

metre wide street frontage although this reduced in width further into the site. It was enclosed by trees and hedging on all its common boundaries with an established linear row of housing to the north east.

The first 62 metres in depth of the site lay within the development envelope of Kirtling, and Public Right of Way No. 25 ran in part, parallel along the southern boundary for much of the entire depth of the site.

It was noted that the application had been called in to Planning Committee by former District Cllr Peter Cresswell.

A number of illustrations were displayed at the meeting, including a map, aerial view, photographs of the site and its surroundings, block plan, a computer generated view of the street, and elevations.

The main considerations in the determination of the applications were:

- Principle of Development;
- Residential Amenity;
- Visual amenity;
- Highway and parking;
- Biodiversity and Ecology
- Flooding & Drainage;
- Historic environment;
- Other matters; and
  
- Planning balance.

As the Authority was currently unable to demonstrate a 5 year supply of land for housing, local planning policies relating to the supply of housing had to be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

The site was located between existing development and benefitted from a significant depth, two thirds of which would remain undeveloped. The majority of the scheme would be within the development envelope, with only two properties outside this area. The applicant had demonstrated that there were material planning considerations that justified a countryside location, in particular the recent development of three dwellings to the south of the site, which were outside of the development envelope. This site was clearly visible when entering and leaving the village whereas the proposal would have only limited impact on the streetscene in The Street.

Given the spatial relationship with adjoining properties there would be no detrimental impact on residential amenity to either existing or future

occupiers. Both access and parking and issues relating to biodiversity, trees, flooding and drainage were considered acceptable.

In terms of residential amenity, it was noted that only two properties were materially affected by the scheme and they were located either side of No.165. No.159 was a bungalow with a drive abutting the northern boundary; the separation distance between the new dwelling closest to the flank wall of No.159 would be 16 metres. To the right hand side was No.169 The Street, a two storey detached dwelling with a garage located to the side. There would be a separation distance of approximately 20 metres between the rear wall of Plot 4 and the flank wall of No.169. No other dwellings would be materially affected by the scheme.

The Planning Consultant said that due to the heavy screen of trees and shrubs on the northern, eastern and western boundaries, and combined with its mid-street frontage, the scheme would not be clearly visible when entering or leaving Kirtling. There was an acceptable spatial relationship with adjoining properties as well as a sufficient setting back of the development from the footpath to ensure that the proposal would not tower over the existing dwellings. While the proposed development would alter the character and appearance of the site itself and its immediate environments, it was not considered that there would be a harmful impact on the character of the area.

On a point of housekeeping, the Planning Consultant said that bearing in mind the Public Rights of Way Officer had suggested post and rail fencing along the southern boundary, she had revisited Condition 9 and suggested adding '*and retained unless otherwise agreed in writing by the Local Planning Authority*'. This would ensure the openness of the Public Right of Way here.

As the majority of the site was within the established settlement boundary, it was 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, given the rural nature of the village, it was acknowledged that to a certain extent they would be reliant upon the private motor vehicle to access places of work and schools.

Members were reminded that a number of concerns had been raised regarding the site's proximity to a bend in the road. However, the Local Highways Authority (LHA) had not identified a risk to highway and pedestrian safety, and the majority of the development would be using an existing access which was to be widened. As such, the proposed access was considered to still be suitable. A new vehicular crossover would be installed to the south to serve Plot 1 and residents would be able to enter and leave the site in a forward gear.

With regard to biodiversity and ecology, it was noted that the site did not support protected species but might be used for feeding and commuting purposes. The Ecology Assessment recommended a number of enhancements to encourage biodiversity across the site and these could be dealt with by condition.

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The development would result in the removal of a number of trees, but as they were relatively small there would be opportunities for replanting within the site.

There was no Conservation Area in Kirtling but there were a number of Listed Buildings within the village; it was considered that they would not be affected by the proposal. The County Archaeologist had commented that the area had no archaeological investigation history. The County Council would not object to the development provided a programme of archaeological investigation was secured by condition.

Other material matters such as ground contamination, flooding and drainage, waste and energy efficiency could all be addressed by condition.

Speaking of the planning balance, the Planning Consultant said the scheme would contribute to the housing land supply and there would be an economic benefit in terms of the construction of the development. It would not significantly intrude outside of the development envelope to have a harmful impact on the visual amenities and character of the area.

It was considered that the benefits of the scheme would significantly and demonstrably outweigh the adverse impacts when assessed against the policies in the National Planning Policy Framework (NPPF) and it was therefore recommended for approval.

At the invitation of the Chairman, Mesdames Jen Milner and Tracey Button addressed the Committee and made the following points:

### Mrs Button:

- They were here to represent the residents of the village;
- Kirtling was a linear development and this scheme represented backland development. It was contrary to the linear pattern of development and would look out of place;
- It resembled a development that had been refused permission and dismissed at appeal;
- There would be an adverse impact on the amenity of people using the public footpath. Everyone should be more environmentally aware;
- There were concerns regarding access for emergency vehicles;
- They were not against development but were concerned that some of the approvals did not appear to be consistent;
- Aware that the Council did not have a 5 year supply of land for housing. However, 30 responses had been received in objection to this application;



Mrs Milner:

- She lived opposite the proposed site and it would affect the setting of her property, which was a listed building;
- ECDC had said the development should be subservient, but it would be overbearing. There should be some consistency in planning approvals, as the application adjacent to her property was only approved once it had been reduced to a 1½ storey dwelling;
- The height of the buildings proposed on the site would be out of keeping, as would the 10 -11 metre ridge heights;
- The layout would encroach on and deviate from the built form;
- Garages to the front of properties were not allowed;
- There were too many houses. The size and scale of the development would detract from the village.

At the invitation of the Chairman, Mr Peter North, agent, addressed the Committee and made the following points:

- This application was over two years in the making;
- Pre-application advice had been sought and they had worked with the Local Authority and consultees and now the proposal was supported by the Officer. There had been no objections from statutory consultees;
- National policy supported sustainable development and the report highlights the public benefits. This scheme would provide six additional dwellings, which could attract families and in turn, help to improve the vitality of the village;
- The development would be liable for Community Infrastructure Levy (CIL);
- The Parish Council had no objections to the other nearby development for 3 dwellings, which was outside of the development envelope;
- A development in a prominent location had already been approved, this one would be well screened and two thirds of the site would be in the development envelope;
- Development is generally linear, but there are some cul de sacs on the east side of the road;
- There are a number of existing outbuildings on the site;

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- There were already a number of buildings outside the development envelope. This was a sustainable development which would respect the rural vernacular;
- The Highways Officer had no objections, subject to standard conditions and there was good visibility and safe access;
- The scheme would increase the housing supply and provide homes for families;
- It had been assessed and evaluated against local and national policy and found to be acceptable and the benefits significantly outweigh any impacts.

At the invitation of the Chairman, Parish Councillor Rick Rickcord addressed the Committee and made the following comments:

- He was representing Kirtling and Upend;
- The Parish Council was always consulted, but was increasingly concerned about inconsistent decisions and they strongly objected to this application;
- Kirtling was a very small linear village with low density housing, and 25 additional houses had been granted permission, in the form of small scale developments. This was in keeping with the Local Plan submission;
- This application was a significant deviation and totally at odds with the built form of the village. Three houses were outside the development envelope and the density of the scheme was different to elsewhere in the village;
- This application had been reduced in size to 6 houses, in an area of less than an acre. How had it been considered differently;
- 7 houses at Charing Cross had been refused both at Committee and at Appeal, the Inspector stating that they were '*...incongruous ... contrary to the built form ...*' This application should be refused on the same grounds;
- Only three cul de sacs in the village and all of these are 2 houses deep, not 4 houses deep;
- There was no shop, no school, or play equipment in the village. The scheme was not sustainable and had generated a lot of public interest and opposition.

At the invitation of the Chairman, Councillor Alan Sharp, a Ward Member for Woodditton, addressed the Committee and made the following remarks:

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- He was also speaking on behalf of his fellow Ward Member, Councillor Amy Starkey;
- A number of applications had been refused and dismissed at appeal for not being in keeping with the linear form of the village;
- Members would have seen from their site visit just how far building would go back beyond the neighbours;
- There was a need for development, but he thought the site was overdeveloped and it was very overgrown. The site goes a long way back;
- He did not think the site satisfied the NPPF definition of 'sustainable';
- There was a chronic lack of supply of housing land as developers appeared to be sitting on the land for which the Council had given permissions but people were not building;
- He reiterated that he was not against the principle of development. He thought 4 houses rather than 6, would be better, and as only part of the land was being used, he hoped there would be no further development to the rear.

In response to a question from Councillor Schumann regarding the Inspector's decision to dismiss an appeal, the Planning Consultant said that it was over the road from this site; this one was mid streetscene. The Planning Manager added that at the time of the refusal, the Authority had a 5 year supply of housing land; the cul de sacs were on the east side and there was already built form on the site, so there were material differences to the appeal site.

Councillor Downey expressed concern about the sustainability of the scheme, given the limited school places and transport. The Planning Consultant acknowledged that Kirtling was not as locational sustainable as other places, but policy tried to reinvigorate villages. Development could encourage families and with this, services might improve.

Councillor Trapp thought the scheme looked rather large. The Planning Consultant replied that it was important to take a balanced approach; most of the development was within the envelope and 3 recently permitted dwellings which were under construction near to the site were completely outside the development envelope.

Councillor Wilson wished to know how far back the derelict barns were located and was advised that they were all around the site. There were 7 or 8 in total and they were all in a derelict condition.

Councillor Ambrose Smith commented that a lot of people wanted to work from home and the proposed 6 bed houses could incorporate work space.

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Councillor Trapp said his main objection to the proposal was that Kirtling was a linear village and he could see the problems in extending its footprint. Four houses might be acceptable, but the proposed design was not in keeping.

It was proposed by Councillor Edwards and seconded by Councillor Downey that the Officer's recommendation for approval be supported on the grounds that the development would not be over-dense and the Authority would gain 5 additional dwellings.

When put to the vote, the motion was declared defeated, there being 5 votes for approval and 6 votes against.

In proposing that the Officer's recommendation be rejected, Councillor Schumann said this was a finely balanced application but he believed it would potentially be harmful and could cause detrimental damage to the character of the village. There were some small cul de sacs on this part of the road and others had been approved, but they were not as in depth as this proposal and the two properties at the end of the site are an encroachment. The outbuildings on the site were not development and he would encourage the applicant to come forward with something more in keeping and to look at four dwellings. The motion for refusal was seconded by Councillor Trapp.

Councillor Wilson declared himself to be nervous about the reasons for refusal, as he could not see any reason to go against the Officer recommendation. Councillor Schumann replied that his comments were based on NPPF grounds, namely that the development was contrary to the built form and its impact on the open countryside.

When put to the vote, the motion for refusal was declared carried, there being 6 votes for refusal and 5 votes against. Whereupon,

It was resolved:

That planning application reference 18/01303/FUL be REFUSED for the following reasons:

- The development is contrary to the built form; and
- It will have a detrimental impact on the open countryside, due to the scale and mass, particularly Plots 5 and 6.

**21. 18/01435/OUM – SITE EAST OF CLARE HOUSE STABLES, STETCHWORTH ROAD, DULLINGHAM**

Andrew Phillips, Planning Team Leader, presented a report (reference U45, previously circulated) from which Members were asked to consider an outline application for up to 41 dwellings, with public open space and associated infrastructure. In addition, the developer was proposing a B1 and D1 use space.

*(Councillor Downey left the Chamber at 2.55pm and returned at 2.57pm.)*

The only detail for which agreement was being sought at this stage was the access onto Stetchworth Road; all other matters were reserved. The application had been amended several times and additional information was provided to overcome the concerns listed in paragraph 2.2 of the Officer's report.

Members were asked to note the following updates in respect of the application:

- The comments from Councillor Starkey were joint comments with Councillor Sharp;
- In paragraph 7.23, the reference to 3 bedroom affordable housing should read 4 dwellings, not 8. The S106 Agreement would ensure 30% affordable housing; and
- The Public Right of Way contribution would be negotiated as part of the S106.

The site was located outside of the village framework on a slope that rose to the north and it was currently used as paddock/grazing land. To the south of the site was the public highway and a drainage ditch. Residential cul de sacs were located to the south-east and the existing stables were to the west of the site. The Kettlefields primary school was to the north-east and the Grade 1 Listed Church, (St Mary's) was located to the south.

It was noted that the application had been called in to Committee by former District Councillor Chris Morris, due to the concerns raised by the Parish Council.

A number of illustrations were displayed at the meeting, including a map, aerial view, the access road plan, the indicative 'Gold Standard' Ecology layout, and an indicative Masterplan.

The main considerations in the determination of the applications were:

- Principle of Development;
- Housing Mix;
- Economic Sustainability;
- Residential Amenity;
- Visual Impact;
- Historic Environment;
- Highways and Parking;

- Ecology;
- Flood Risk and Drainage; and
- Infrastructure/S106/CIL.

Members noted that the Council could only demonstrate 3.7 years of housing supply and therefore any policy that restricted housing had to be carefully judged on the grounds of tilted balance as covered in paragraph 11 of the NPPF.

The proposal was a mixed use development in close proximity to the village; it was considered to be in a relatively sustainable location and would provide much needed housing.

The Planning Team Leader reminded Members that at this stage the housing mix was only indicative. The proposal was seeking to provide a large proportion of the dwellings to be bungalows, and half of these to be for the over 55's.

Policy HOU3 required affordable housing in Dullingham to be at least 40%, but 30% affordable housing was accepted as the viable provision in this settlement, due to an independent report on behalf of ECDC. This would be secured as part of the S106. The over 55 bungalows were currently being controlled by condition, though this might end being included in the S106 Agreement

With regard to economic sustainability, it was acknowledged and accepted that the horse racing industry (HRI) was of great importance within the District and was supported in adopted policy. The proposal would lead to the loss of approximately  $\frac{1}{3}$  of the paddock land of Clare House Stables. This would likely reduce the economic potential for the stables and would reduce the maximum number of horses that the stables would be likely to be able to keep. However, sufficient land remained for a stable business to be productive and it was considered that the proposal would cause only minor to moderate harm to the existing paddock/stables of Clare House Stables.

It was noted that the Newmarket horse racing industry had grown even with this site being out of intensive use since 2008. While the proposal was in some conflict with Policy EMP6, it could not be considered to lead to an adverse impact upon the stables as the remainder of the site could still be put to practical use and benefit the equine industry. The public benefit in providing much needed housing, including affordable housing, was considered to outweigh the level of harm to the existing stable/equine use.

The proposed B1a and D1 uses were considered to comply with policies EMP3 and COM4 of the adopted Local Plan

Speaking of residential amenity, the Planning Team Leader reiterated that scale was not part of this outline consent. A design could be achieved at the Reserved Matters stage that preserved and protected residential amenity.

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Conditions could be added in connection with potential contamination and requiring the developer to submit a Construction Environmental Management Plan.

The gross density of the site was approximately 7.3 dwellings per hectare or 3 dwellings per acre and net density to be approximately 14 dwellings per hectare or 5 – 6 dwellings per acre; this was considered to be very low but appropriate for an edge of village location. The surrounding area benefitted from several cul-de-sacs and the development would be visually contained within the nearby built form. The proposal would need to preserve the character of the Public Rights of Way as it was considered that the scheme would have an urbanising impact although it would maintain large areas of public open space. This would allow green fingers to remain within the development and connect to the public footpaths. In order to achieve a suitable design, the number of dwellings might need to be reduced in any reserved matters submission.

The proposal was adjacent to the Conservation Area and the views of the tower of the Grade 1 Listed Building of St Mary's Church were considered to be of significant importance. The layout, scale and appearance of the scheme would require careful design to ensure less than substantial harm at the Reserved Matters stage and each matter would need to be supported by a Heritage Statement. The dwellings to the north of the site would very likely need to keep a low ridge height. It was also expected that the affordable housing should be tenure blind.

The Local Highways Authority and the Transport Team had no objections to the proposal, subject to conditions. It was expected that there would be at least two parking spaces per dwelling and sufficient visitor spaces; in addition each dwelling should include space for secure cycle storage. It was considered that the relatively low number of dwellings would have any significant impact upon traffic flow.

The Committee noted that the developer had not undertaken all the necessary ecological surveys but was mitigating and enhancing on all potential biodiversity. This was known as the 'Gold Standard' and required a far greater level of mitigation and enhancement than might have been needed if all the relevant surveys had been conducted upfront. It was also fundamental to allow species to safely transverse the site. Indicative landscape plans had also submitted and these could be conditioned.

The latest documents submitted by the applicant had been accepted by the Lead Local Flood Authority (LLFA), subject to the following recommended conditions: provision of a pond, permeable paving in certain areas of the site, and swales and attenuation tanks to ensure the surface water was managed. The indicative site layout showed that it was possible to keep the proposed development outside of the area at risk of flooding, as well as ensuring the more vulnerable users were kept on the higher levels.

In connection with infrastructure and S106, it was noted that Anglian Water had confirmed capacity in the sewer network to accommodate and treat

the development's foul water. A condition would be attached to ensure appropriate connection.

The developer and County Council were in agreement regarding the level of contribution (£256,663 plus indexation) needed for secondary school provision; the developer had offered land for Kettlesfield Primary School, but the County Council did not need it. Therefore no planning weight should be given to its provision.

The S106 would need to include long term management of public open space and water management, and also secure the provision of affordable housing.

The developer was required to pay the Community Infrastructure Levy (CIL); paragraph 7.102 of the Officer's report detailed items on the Council's Regulation 123 list for which the money could be used. In addition the Parish would receive 15% of any CIL money collected from the development to improve its local infrastructure.

The Planning Team Leader concluded his presentation by saying that the proposal was considered to be acceptable, subject to the recommended conditions and the completion of a S106. There would be minor to moderate harm to the equine industry and drainage and ecology would be improved within the local area. The public benefits outweighed the harm and the application was therefore recommended for approval.

At the invitation of the Chairman, Ms Sarah Mardon addressed the Committee and made the following remarks:

- She was speaking on behalf of the village;
- Up to 2015 there had been 308 houses plus infill. With the loss of the Local Plan there had been 10 houses completed and 6 infill properties as well as 27 other dwellings being discussed, representing an increase of 13%. This development would see that rise by another 25% and the village and its infrastructure could not take the increase;
- The Kings Head junction was dangerous and with the level of traffic using Station Road, there would be traffic jams;
- The trains to Cambridge from Dullingham are normally full and it would be a 35 minute walk from the development to the station. Alternative routes were not viable between 8.30am and 9.00am because of people taking children to school. The nursery staff parked at the Ellesmere centre;
- Buses were virtually non-existent;



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- The site did not satisfy the criteria for infill as it was outside the development envelope and it would change the character and setting of the village;
- The site was a stud and had the potential for full animal related use. Building on it would change this and the Newmarket Horseman's Group felt that it should be marketed as an equine enterprise, as the site has been moth balled;
- Stetchworth Road already suffered from serious flooding, with polluted water ending up in gardens and there was not sufficient capacity to deal with the sewerage;
- The residents of Dullingham felt very strongly about this application and this was evident from the number of objections received.

At the invitation of the Chairman, Mrs Kathryn Slater, agent, addressed the Committee and made the following points:

- The proposal would deliver up to 41 homes and community space;
- The site was outside the development framework, but the Authority could not currently demonstrate a 5 year supply of land for housing;
- There would be no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal
- Dullingham was a medium sized village and had a school, a train station and was close to other settlements;
- The development site was adjacent to the village framework;
- EMP6 was relevant and set out the Council's approach, but it did not impose a blanket ban. A Horse Racing Industry assessment had been submitted and it concluded that the proposal would have no impact on the industry;
- All the stables and the access were to be retained and the remaining land was large enough for horse racing activities;
- The horse racing industry had increased during the time the application site was not in use and therefore the proposal would not threaten its viability;
- There had been no objections from the statutory consultees;
- The scheme would bring substantial benefits including housing for the over 55's, market and affordable housing and provision for small businesses or the community use building as well as biodiversity enhancements to the site. The balance in favour of approval had been

### AGENDA ITEM NO 3

triggered and Members were urged to accept the Officer's recommendation.

Mrs Slater then responded to comments and questions from the Committee.

Councillor Brown asked if there had been any effort to market the site for use in the HRI. Mrs Slater replied that it had not and there was no requirement within the policy to do so. Councillor Brown then asked about the plans for the parcel of land that had been offered to the County Council and was informed that there were no proposals and would remain undeveloped.

Councillor Trapp noted that it was proposed to have 250 square metres of commercial units and he wondered to what use they might be put. Mrs Slater said it could be for offices or community use, but there was some flexibility.

Referring to Policy EMP6, Councillor Schumann said that with the Newmarket racing industry being so vast, it was unlikely that the loss of this stud would have an impact. However, its loss might lead to the loss of other small studs, which could then lead to an impact. Mrs Slater replied that the Policy was in two parts and it was necessary to look at each site on this basis. There would be sufficient land retained in the future for it to be used in the racing industry and there was no talk of subsequent loss. There was a whole range of sizes of studs and evidence suggested that a use could be found for this one.

Councillor Huffer enquired about the current use of the site and Mrs Slater replied that it was in private equine use. Councillor Huffer contended that the remaining 10 hectares would support only 12 – 15 horses and that the stud would need 20 -25 horses for it to be viable. Mrs Slater reminded her that the evidence had been assessed by Officers.

At the invitation of the Chairman, Ms Samantha Boyd addressed the Committee and made the following comments:

- She was an Associate Planner and was speaking on behalf of Dullingham Parish Council;
- The Parish Council had objected on numerous occasions;
- It was accepted that the Council did not have a 5 year land supply, but the NPPF advised that applications should not be approved if the adverse impacts significantly and demonstrably outweighed the benefits;
- The Local Plan said that Dullingham was likely to grow at a slow rate and development outside the envelope should only be allowed in exceptional circumstances - this was not;

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- The site was an unsustainable location and the existing facilities would not meet the needs of the new residents. There was no shop or doctors and there were limited employment opportunities, train services were not regular and the buses were infrequent. People relied on their cars for the majority of journeys, so there would be increased traffic on the roads;
- Paragraph 103 of the NPPF stated that development should be focused on sustainable locations and this application was not meeting that core objective;
- A Travel Plan should have been submitted with the application;
- The development would have a harmful effect and extend out into the countryside. It would be prominent and have an urbanising effect on the village;
- An LVIA had been submitted by the applicant, but the Council did not have a specialist Landscape Officer in-house and one should have been employed.

*At this point, the Chairman advised Ms Boyd that she would have to stop as she had exhausted her 5 minutes of speaking time.*

At the invitation of the Chairman, Councillor Alan Sharp, a Ward Member for Woodditton, addressed the Committee and made the following points:

- The village was not opposed to suitable development, but a 15% increase in houses was quite substantial;
- He had spoken to the Parish Council about a Community Land Trust;
- He had a number of points, the first regarding water. There had been flooding in the area and on 5<sup>th</sup> April the Environment Agency said the sewer pipe could be operating at capacity. Part of the site was in Flood Zone 3, and with 41 houses and commercial units, water retention would be put to the limit. The LLFA had removed its objections on 20<sup>th</sup> March 2019, but he had issues with this;
- With regard to transport, it seemed to him that Highways never objected. Stetchworth Road had blind bends, and with parked cars and the increase in traffic, it would cause issues. The Kings Head junction had poor visibility and was dangerous. Many of the houses on Station Road were built long before there were cars and residents therefore had to park on the road. It was used as a run from the A11 and the station and there were blind bends which made the road dangerous;
- The station was full up by 8.00am and since a charge was now made to use the car park, people were parking on the S bends;

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- There was a danger that the views of the Grade 1 Listed St Mary's Church would be affected;
- He took the cynical view that just because the site had not been marketed for equine use, it was not to say that it was not needed.

In response to a question from Councillor Downey regarding affordable housing, Councillor Sharp said there were other sites in the village. Councillor Trapp asked him about the relevance of development at Bottisham and Councillor Sharp said there was an inference that the south of the District was not taking enough housing; he felt there was a lot of banking of the land supply.

The Planning Team Leader reminded Members that the application had been independently assessed as a viable equine business and what the Adopted Local Plan stated about land required per horse. He reminded Members that from memory, in previous decisions Inspectors had commented that there was no set percentage increase limit for villages; it was the impact that must be assessed. In connection with affordable housing, he said that if Members were minded to grant approval, they could impose a condition requiring local people to be given priority.

Councillor Downey said he had difficulty in understanding how the application complied with Policy HOU3, which required 40% affordable housing in Dullingham, when the proposal would only provide 30%. The Planning Manager explained that the policy within the Local Plan could not be changed as it was an adopted policy. However, the Submitted Local Plan which had been withdrawn, specified a lower percentage of affordable housing, based on a viability assessment carried out by this Council. Following the withdrawal of the Submitted Local Plan a further was carried out and the findings showed that the viable position was 30% for the District, and 20% in Littleport and Soham. Therefore if a scheme complied with the viability report the Council was not requesting further viability testing. Paragraph 7.26 of the report explained the current position. The Planning Manager agreed that the report wording should not state that the proposal complied with Policy HOU3 as the 40% was not being provided, but that the proposal complied with the independent viability report produced for this Council.

Councillor Wilson thought that affordable housing was always at the bottom of the list and he believed the landowner should suffer the viability loss. However, the Committee had to go with what was in place and there should be a comment somewhere regarding this. The Planning Manager reiterated that she could not amend the policy as it was adopted, but she would raise it with Strategic Planning and provide Members with a link to the viability report which was available to view on the Council's website.

Councillor Huffer said the impact of the development on the paddock and would be irreversible and Members needed to protect open spaces.

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Councillor Downey declared himself to be in two minds about the application, as housing was needed and the Council did not have a 5 year supply. However, he was loathe to support something that did not comply with affordable housing policy.

Councillor Trapp said he was not supportive of the scheme in its current state. He was well aware of the transport difficulties, the development looked overcrowded and it was a heavy density for the village.

Councillor Wilson commented that if Members refused the application, there would be no affordable housing. It was not as good as he would wish to see, but some affordable housing was better than none and he was therefore inclined to support the Officer's recommendation. He also commented that most villages did not have a station and Dullingham does. With it only being an outline application, the full application could come back to Committee for discussion.

The Chairman asked the Planning Manager if it would be in order to grant outline permission and bring the Reserved Matters application back to Committee; she confirmed that it would.

Councillor Schumann said he was somewhat 'on the fence', as he represented areas that had taken 30 – 40% growth. Vistas and views were important and this development would fundamentally change the area for ever. However, if the proposal was refused on that basis, there would never be any development and it would be a struggle to build anything in the south of the District. He was therefore minded to support the recommendation for approval, but with the Reserved Matters being brought back to Committee

It was duly proposed by Councillor Schumann and seconded by Councillor Ambrose Smith that the Officer's recommendation for approval be supported. When put to the vote, the motion was declared carried, there being 8 votes for and 3 votes against.

It was resolved:

That planning application reference 18/01435/OUM be APPROVED subject to the signing of the S106 Agreement and the recommended conditions, with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission.

It was further resolved:

That the Reserved Matters application be brought back to Planning Committee.

*There followed a comfort break between 4.10pm and 4.17pm.*

### **22. 18/01704/FUM – SITE WEST OF 22 TO 30 HIGH STREET, ASHLEY**

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Richard Fitzjohn, Senior Planning Officer, presented a report (reference U46, previously circulated) which sought full planning permission for the demolition of the existing dwelling (No. 28 High Street, Ashley) and the erection of 10 dwellings on paddock land to the rear of this existing dwelling. The proposal included the creation of a new access road off the High Street and provision of an area of open space in the eastern part of the site.

It was noted that there was an extant outline planning permission (17/01171/FUL) for 8 dwellings on the application site. The outline permission agreed matters of access, layout and scale, with appearance and landscaping reserved.

The Senior Planning Officer drew Members' attention to an error in paragraph 7.3.2 of his report, saying that it should read '**4x3 bed** and **3x4 bed**'.

The application site was located within the Ashley Conservation Area and comprised the property of No.28 High Street and private paddock land. The area was primarily residential in nature with Silverley Way, a modern residential development, to the south. The Ickniel Way, a public footpath, ran alongside the northern boundary of the site and was separated from the site by an existing hedgerow and post and rail fencing. The Old Plough, a Grade II Listed Building, was located to the north of No.28.

The application had been called in to Planning Committee in March 2019 by former District Councillor Peter Cresswell, in the interests of openness.

A number of illustrations were displayed at the meeting, including a map, aerial view, site plan, and street elevations.

The main considerations in the determination of the applications were:

- Principle of development;
- Planning history;
- Housing mix;
- Visual amenity and heritage;
- Residential amenity;
- Highway safety and parking;
- Flood risk and drainage; and
- Ecology.

Speaking of the principle of development, the Senior Planning Officer said that No.28 was within the development framework for the village but the

paddock for development was outside of it. Given the absence of a 5 year housing land supply, the boundary limitation placed by the Ashley development envelope did not apply and development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits. Due to the close proximity of the site to the Ashley development framework and the principle of residential development for 8 dwellings already being accepted on the site, the application site was considered to be a sustainable location for the provision of 10 dwellings.

The Committee was reminded that the planning history of the site was a material planning consideration and therefore weight must be given to the fact that there was already a permission on the site for 8 dwellings when considering the current application for 10 dwellings.

The proposed development provided a good mix of housing which broadly accorded with the indicative property size guide set out within the Local Plan. No affordable housing provision was required for the proposal due to its size and the Authority did not consider that more than 10 dwellings should be provided on the site for application 17/01171/OUT, which related to the same application site. It was considered that an increased density of development would have an undesirable impact on the character and appearance of the area.

A large part of the site was located within the Ashley Conservation Area and The Old Plough adjoined part of the eastern boundary. The Conservation Officer had no objection to the impacts of the proposed development on the Conservation Area or any nearby listed buildings, subject to standard details and materials conditions.

The development would be highly visible from the public footpath which ran adjacent to the north of the site. It would alter the character of the area and impact on the openness of the footpath. However consideration had to be given to the similar impacts which would be created by the extant outline planning permission for 8 dwellings on the same site and the existing backdrop of Silverley Way when viewing the site from the footpath.

The design and appearance of the proposed development was considered to be of a high quality and sympathetic to the semi-rural character of the area, subject to specific details relating to external materials being secured by a planning condition. It was considered that the proposal would not cause any significant harm in respect of visual amenity or heritage impacts.

The siting, layout and design of the proposed dwellings would ensure that there would be no significant overlooking between the plots. There was a significant separation distance between the proposed dwellings and nearby existing dwellings which was sufficient to prevent any significantly detrimental impacts on the residential amenity of neighbouring occupiers or the business of The Old Plough.

The site was located within Flood Zone 1 and a Flood Risk Assessment & Drainage Strategy had been submitted with the application. It confirmed that surface water from the proposed development could be dealt with on site and a detailed surface water drainage scheme and future drainage maintenance strategy could be secured by a planning condition.

The Senior Planning Officer stated that the Local Highways Authority had no objections to the proposal. It was noted that the proposed access, carriageway road and shared surface area would be designed to adoptable standards which would allow the road and shared surface area to be offered to the LHA for adoption. The proposal included 2 or more on-plot car parking spaces per dwelling and 2 visitor car parking spaces, in broad accordance with the Council's parking standards.

The proposed hedging along the northern boundary of the site was proposed to be set back 2.5 metres from the public footpath to allow growth without restricting access to the footpath, and the boundary treatment proposed along this boundary was specified as post and rail fencing. The proposal did not include re-surfacing works to the public footpath which was requested by the County Council definitive map team, as the request was considered to be unreasonable. The proposed development would not impact the public footpath beyond that of the previous outline planning permission on the site.

It was considered that the proposed development would not create any significant detrimental ecology impacts and ecological enhancements could be secured by a planning condition.

The proposal included the felling of two TPO Sycamore trees towards the front of the site and the Senior Trees Officer considered that the loss of two TPO trees towards the eastern extent of the site would have a detrimental effect on the street scene along High Street where they were currently highly visible. However, the proposal included 1 Beech tree to be planted in a similar location at the front of the site, which accorded with the conditions of an approved Tree Works application to fell one of these TPO trees. There would be additional planting further into the site where it was acknowledged that planting would be less visible from the High Street.

The extant outline planning permission for 8 dwellings on the site had already been approved, therefore the principle of felling two 2 TPO trees was considered acceptable as it could be carried out as part of a development linked to the outline planning permission. A revised soft landscaping scheme had been received during the course of the application incorporating the recommendations of the Trees Officer; the Trees Officer had advised that the landscaping scheme was acceptable.

The Senior Planning Officer concluded his presentation by saying that on balance, it was considered that the adverse effects of the development would not significantly and demonstrably outweigh the benefits and the application was therefore recommended for approval.



At the invitation of the Chairman, Mr Simon Hull addressed the Committee and made the following comments:

- He lived at No.32 High Street and he was representing his immediate neighbours. Comments had already been submitted to the Planning department;
- He endorsed the Parish Council's views;
- There were concerns about the road being adopted. It was said that it would be built to adoptable standards, but there was no requirement for the road to be adopted and there was no timeframe for adoption. It could take years;
- Refuse lorries would not enter the site until the road was adopted, so residents would have to take their rubbish out to the roadside. All the houses would be more than 25 metres from the road. In the High Street, rubbish was left for collection outside The Old Plough which was a Listed Building and restaurant, which could damage the business. Adoption of the road could take more than a year;
- The comments about car parking were confusing. Only four of the ten properties had 2 parking spaces and only 1 did not have tandem parking and this would lead to parking in the road, which could impact on emergency vehicles;
- Confirmation was still awaited from Anglian Water regarding incoming water and outgoing sewage.

At the invitation of the Chairman, Ms Sophie Pain, agent, addressed the Committee and made the following points:

- She was mindful of the approved outline permission and its parameters and the approved layout had been maintained;
- The position of the road would maintain views of The Old Plough and ease transition. There would be 1½ storey homes on the east side;
- Gardens would face onto the Public Right of Way on the northern boundary. The application included full details of soft landscaping, 44 trees would be planted and changes had been made to the planting specification;
- Increased the number of 2 and 3 bedroomed properties and Officers had been consulted on the housing mix and a scheme put forward to enhance Ashley;

- The properties would be sensitively designed with gardens being 50 square metres plus in size and would meet the Design Guide requirements;
- The uplift of 2 new homes would help with the Council's 5 year housing land supply.

Councillor Wilson wished to know if a condition could be added requiring the central road to be adopted prior to first occupation. Councillor Schumann said that speaking as a County Councillor, he could say that the County would not adopt a road for only 10 dwellings and this could not be conditioned. The refuse lorries would go in and collect the rubbish. Ms Pain added that the applicant was aware that if the road was not adopted, an indemnity would be required but the road would be constructed to an adoptable standard.

The Chairman noted that the application approved in 2017 had a 'no through' route and this application had introduced an access to the adjacent land. Ms Pain explained that the land to the west was landlocked. It was a low key area and they needed to ensure a means of access by which to maintain it, but the land in question was outside the application area.

Councillor Trapp thought there did not seem to be enough car parking and tandem parking would be to the detriment of road users. Ms Pain replied examples of tandem parking were shown in the outline application. The garages were sized so that they could be used for parking or storage and each dwelling had at least two on-plot parking spaces.

At the invitation of the Chairman, Parish Councillor Sarah Howell, Ashley Parish Council, addressed the Committee and made the following remarks:

- The Parish Council had consistently objected as the development would be isolated from the rest of the village;
- The outline application had been for 8 dwellings, but this proposal was 25% larger, with a 22% increase in the number of bedrooms. It was a significant increase;
- Ashley was a small linear village and this scheme was backland development, not infill. It would not be in keeping with the surroundings and because of the long access road, it would be cut off from the village, creating an isolated community;
- Photographs had been submitted but did not appear on the planning portal. The views along High Street, Mill Road and Church Street were a delightful hotchpotch of materials and colours, whereas this new development showed little variety. The materials and colours would not compliment the rest of the village and when viewed from the Icknield Way, the development would not blend in;

- The fencing and hedging would stop the footpath from drying out and the surface would deteriorate. The landowner should maintain it.

Councillor Wilson stated that comments had been made that Ashley was a linear development, but Silverley Way adjacent to the site was not linear. Councillor Howell commented that Silverley Way had houses all along the road and not a long access road, which this development would have.

Councillor Downey asked if there had been any contact with the owners/managers of The Old Plough and what they thought of the development. Councillor Howell replied that they had made their views forcefully known and were very concerned.

At the invitation of the Chairman, Councillor Alan Sharp, a Ward Member for Woodditton, addressed the Committee and made the following comments:

- The black clad timber looked out of keeping with the area;
- The parking for the 10 homes looked cramped;
- He was very cynical about the land at the back of the development, which was locked;
- Stopping at 10 houses meant there was no requirement to provide affordable housing.

During the site visit, Councillor Ambrose Smith noted that attention had been paid to the footpath so it would remain sunlit. The Senior Planning Officer said this was why the hedge had been set back 2½ metres so as not to cause shading and why condition 19 removing the Permitted Development rights for additional fences etc. was recommended.

Councillor Jones asked if there had been sufficient assessment carried out to ensure that The Old Plough's business would not be affected. The Senior Planning Officer replied that this had been considered within the context of the outline planning permission. With regard to residents complaining about noise from the establishment, Environmental Health would normally take into account previous complaints regarding noise from the business by occupiers of existing nearby properties. No complaints had been received.

Councillor Trapp asked who would pay for the indemnity in respect of the rubbish collection. The Planning Manager advised that the developer would pay the indemnity insurance and bin collection was paid for by Council Tax. Councillor Brown added that subsequent purchasers of the properties would have it included in the deeds.

Councillor Brown felt that there had been lots of suspicions voiced around ownership of the adjacent parcel of land and he reminded Members that this could not be taken into account; the Committee could only look at what was in front of it today.

Councillor Schumann still had concerns about the density of the proposal despite it being higher in neighbouring areas. However, he believed there were no clear reasons to refuse the application and reiterated that in connection with waste, the RECAP policy had been previously been rejected by an Inspector at appeal.

He therefore proposed that the Officer's recommendation for approval be supported, and the motion was seconded by Councillor Wilson. When put to the vote, the motion was declared carried, there being 9 votes for and 2 votes against. Whereupon,

It was resolved:

That planning application reference 18/01704/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report.

*At this point, the Planning Manager left the Council Chamber. The Chairman said he would vacate the Chair but sit in the public gallery and exercise his right to speak as a local Member, after which he would leave the meeting.*

*In the absence of the Vice Chairman, it was proposed by Councillor Huffer, seconded by Councillor Wilson and agreed that Councillor Schumann should assume the Chair for the consideration of the next agenda item.*

**23. 19/00479/FUL – PLOT 1, LAND TO REAR OF 17 SHORT ROAD, STRETHAM**

Catherine Looper, Planning Officer, presented a report (reference U47, previously circulated) which sought full planning permission for a part single storey, part two storey detached dwelling on the application site. The single storey element would have a maximum height of 4.5 metres; the two storey element would be a maximum 6.2 metres high and would be located to the western side of the plot, away from the single storey dwellings at Starlock Close.

The Committee was asked to note that the applicant had provided details of the materials to be used prior to this meeting. These were considered acceptable and therefore condition 3 would be amended to reflect this if Members were minded to approve the application.

The application site was located to the rear of 17 Short Road in the eastern part of a former orchard, although the majority of the trees had been felled. There was a second building plot to the west and construction was well underway. To the east there were bungalows in Starlock Close and the eastern and southern boundaries were defined by existing vegetation. Access

to the site was via an existing driveway, which ran north to south between 16 and 17 Short Road.

It was noted that the application had been called in to Committee by Councillor Bill Hunt, as '*This is a matter of considerable dispute in the area and would benefit from the wider debate a call in allows.*'

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

The main considerations in the determination of the applications were:

- Principle of Development;
- Residential Amenity;
- Visual Amenity;
- Highway Safety;
- Flood Risk & Drainage;
- Contamination; and
- Ecology & Biodiversity.

The Committee was reminded that the site benefitted from outline consent for two single storey dwellings, the principle of development having been established under application 17/00103/OUT.

The Council was currently unable to demonstrate an adequate five year housing supply and therefore applications were being assessed on the basis of presumption in favour of development unless there were any adverse impacts in doing so. The site was adjacent to the defined settlement boundary and was considered to be a sustainable location.

In terms of residential amenity, the proposed layout showed that there were sufficient separation distances between the proposed dwelling and surrounding properties. The single storey nature of the eastern side of the dwelling would prevent impacts such as overlooking, overbearing and overshadowing. The two storey element was positioned to the western-most side of the plot, away from the dwellings along Starlock Close.

Concerns were raised by neighbours about car headlights shining into the houses but the garage had solid walls which would prevent this, and a vehicle using the space adjacent to the garage would not be considered to cause significant nuisance. Neighbours had also asked for a close boarded fence along the eastern boundary. Following the submission of tree and hedge details, it was considered that the introduction of a fence in this location would be harmful to the trees and hedgerow and would likely lead to their loss. Instead a condition was recommended for a scheme for soft landscaping to be submitted which would include details of how the hedge would be thickened.

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Speaking of the visual impact, the Planning Officer said the proposal was modest in scale with single storey elements and the height would be in keeping with the mixture of dwellings in the area. The dwelling would not be highly visible from Short Road and it was therefore considered that it would not alter the character and appearance of the wider area.

The site was accessed using an existing access with Short Road. The proposed access was considered suitable to serve two dwellings under the previous outline application and therefore was considered suitable for the current proposal. There was sufficient space for the manoeuvring and parking of two vehicles on site in accordance with transport and parking policies within the Local Plan. The Highways Authority had raised no objection to the proposal.

A condition requiring a scheme of biodiversity enhancements proportionate to the proposed development was recommended in line with policy ENV7 of the Local Plan 2015 and the National Planning Policy Framework. The applicant has also submitted a tree survey and protection scheme to which the Council's Trees Officer has raised no objections.

The Planning Officer concluded her presentation by saying that the proposed dwelling was of an acceptable design and scale to prevent significantly harmful impacts on the residential amenity of nearby occupiers or on the character and appearance of the area. The application was therefore recommended for approval, subject to an amendment to condition 3 to reflect the fact that the details of materials had been provided.

At the invitation of the Chairman, Mr Jamie Palmer, agent, addressed the Committee and made the following comments;

- This full application was compliant with policy and there was an extant permission, therefore the principle of development was already established;
- The Parish Council had objected to the height of the dwelling, but given the separation distances, it was not out of context in the neighbouring area;
- The two storey element was 17 metres from the site boundary;
- The dwelling was modest in scale and mass and would not be detrimental to the amenity of nearby occupiers;
- His clients intended living in the property and they did not want to create bad feelings with anybody.

Councillor Brown asked if any thought had been given to the boundary treatments, such as how to deal with them and to what height. Mr Palmer replied that the hedge would be allowed to mature and the Planning Officer

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reiterated that a condition would require details to be submitted about how the hedge was to be thickened.

At this point, Councillor Hunt exercised his public speaking right to address the Committee and he made the following remarks:

- If Members looked at the map, they would see that No.17 Short Road was an established Edwardian house;
- The building line was just behind the houses and there used to be a gap with a gravel road between the garage. Now there were three buildings, a whole new development;
- Fieldside had seen two new bungalows, and there were four in Meadow Farm. This area had been given consent for bungalows;
- The proposed dwelling was not a bungalow, it would be out of character, overbearing and cause a lack of amenity to neighbouring houses;
- Cars headlights would create a nuisance to neighbours;
- All the traffic would have to come down this route, and there was not enough room because the access was very narrow;
- The Parish Council agreed that this was an area for bungalows;
- The double garage would be so close to the hedge that it would be difficult to maintain it;
- The height of the dwelling would be too high;
- It was overdevelopment and would have an overbearing impact on Starlock Close.

*At this point, Councillor Hunt left the Council Chamber.*

Councillor Wilson agreed that there should not be a fence but he wondered if it would be possible to condition the developer to add some evergreen hedging. The Planning Officer replied that she could discuss this with the agent, but she would have to run it past the Trees Officer to ensure it was appropriate.

Councillor Downey asked the Planning Officer for her thoughts on the responses from neighbours about the proposed scheme not standing up to the local visual amenity and building heights. She replied that the single story element was 4½ metres and the two storey, 6.2 metres. She thought the proposed dwelling was comparable with its surroundings and would blend in.

Councillor Brown thought the only issue would be to make sure the boundary treatment was sorted.

Councillor Wilson said it was clear to him that the dwelling would fit in nicely with the building next door, because not all the properties were bungalows. He duly proposed that the Officer's recommendation for approval be supported.

Councillor Downey said he could see no good solid reason to refuse the application and he seconded the motion for approval.

When put to the vote, the motion was declared carried, there being 9 votes for and 1 vote against.

It was resolved:

That planning application reference 19/00479/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

*The Planning Manager and Councillor Hunt both returned to the Council Chamber at this point.*

*Councillor Hunt reassumed the Chair for the remainder of the meeting.*

**24. 19/00708/OUT – SITE TO WEST OF 10 – 20 SHERIFFS COURT, BURROUGH GREEN**

Catherine Looper, Planning Officer, presented a report (reference U48, previously circulated) which sought outline planning permission for five detached single storey properties, with detached garages. Access, layout and scale were being considered, with appearance and landscaping to be considered at the Reserved Matters stage.

The application site comprised an irregular shaped area of land located along the southern edge of Burrough Green and part of the site abutted the Burrough Green Conservation Area to the north and north-west. There was a staggered row of large detached properties in Church Lane which wrapped around the northern and north-western boundaries of the site. Along the east boundary lay a more contemporary form of residential development of two storey semi-detached dwellings in Sheriffs Court. To the south of the site was open countryside.

It was noted that the application had been called in to Committee by Councillor Alan Sharp.

A number of illustrations were displayed at the meeting, including a site plan, aerial view and a site plan of the proposal.

The main considerations in the determination of the application were:

- Principle of Development;



- Residential Amenity;
- Visual Amenity;
- Conservation Area;
- Highway Safety;
- Flood Risk & Drainage;
- Contamination; and
- Ecology & Biodiversity.

The Planning Officer drew Members' attention to a similar application that had been received in 2017. It was refused by the Case Officer for reasons relating to the visual impact and the Conservation Area, and on highway safety due to the 15 parking spaces shown near to the site access. The refusal was taken to appeal and dismissed, the Inspector agreeing with the impacts on highway safety. However, the Inspector considered that the low density and single storey scale of the proposal would not create visual impacts on the character of the conservation area. The Inspector's decision was an important material consideration.

The applicant had therefore amended this proposal to remove the parking spaces shown at the front of the site so as to overcome the highway safety issues.

The Council was currently unable to demonstrate a 5 year supply of land for housing and therefore applications were being assessed on the basis of presumption in favour of development unless there were any adverse impacts in doing so. The site was adjacent to the defined settlement boundary and was considered to be a sustainable location, with good access to the settlement of Burrough Green. It was not considered to be isolated, and the principle of development was considered acceptable subject to compliance with other planning considerations.

With regard to residential amenity, it was considered that there were acceptable separation distances between the proposed dwellings and surrounding properties. The single storey nature of the dwellings prevented impacts such as overlooking, overbearing and overshadowing. The proposed plot sizes, rear amenity space and indicative building sizes complied with the requirements of the Design Guide SPD. The access road was of a sufficient distance from nearby properties to prevent significantly harmful impacts from the movement of vehicles.

Members were reminded that the full details of the visual appearance had not been included within the application and would need to be assessed at the Reserved Matters stage. The Planning Officer reiterated that at the appeal for this site (reference APP/V0510/W/18/3208502), the Inspector considered the low density and single storey nature would not adversely impact on the Conservation Area and would preserve the character of the

area. Additionally, the Inspector noted that the area held a number of styles, layouts and densities for dwellings and therefore the proposed dwellings would not be out of keeping with the character of the area; this was a material consideration.

The layout showed that there was sufficient room on site for the manoeuvring and parking of two vehicles for each of the proposed dwellings, and this was considered to comply with policy. The Highways Authority had raised no objection to the proposals and had confirmed that the junction with the public highway was suitable for this intensification of use.

Turning next to ecology and biodiversity, the Committee noted that sufficient ecological and reptiles surveys had been carried out in order to establish that the proposal would not result in unacceptable impacts. It was recommended that a condition be imposed requiring a scheme of biodiversity enhancements proportionate to the proposed development.

A Tree Survey and tree protection scheme had been submitted with the application, and the Council's Trees Officer had raised no objections. It was considered appropriate to condition that the tree protection measures be carried out in accordance with the recommendations in the Survey and protection scheme.

Other material matters such as foul and surface water drainage, unexpected contamination and archaeological investigation could be secured by condition.

The Planning Officer concluded her presentation by saying that on balance, the application was considered to comply with planning policy and was therefore recommended for approval.

At the invitation of the Chairman, Councillor Alan Sharp, a Ward Member for Woodditton, addressed the Committee and made the following points:

- A similar application was rejected in 2017 and the Inspector dismissed it at appeal mainly because of parking;
- He disagreed because he believed the visual aspect of the proposal was important;
- He was not sure that there was a market for the dwellings;
- The occupiers would commute out of the village;
- The access to the main road was unsuitable as it was starting to get 'chewed up';
- There were issues around pedestrian safety, as the primary school had a 'walking bus' in that area from 8.30am;

- The village did not need five large houses and he thought a better mix could be achieved;

Councillor Schumann advised Councillor Sharp that the Committee was in a difficult position as the only objection raised by the Planning Inspectorate was the parking and this had now been removed. The decision by the Planning Inspectorate was a material consideration; Councillor Sharp replied that he understood.

In response to a question from Councillor Trapp regarding refuse collection, the Planning Officer confirmed that the development would have a properly secured bin store. The report contained a recommended condition requiring the details and elevations of this to be submitted.

It was resolved unanimously:

That planning application reference 19/00708/OUT be APPROVED subject to the recommended conditions as set out in the Officer's report.

## **25. PLANNING PERFORMANCE REPORTS – MAY & JUNE 2019**

The Planning Manager presented two reports (U49 and U50, previously circulated) which summarised the planning performance figures for May and June 2019.

It was noted that the Department had received a total of 183 applications during May 2019, which was an 8% decrease on May 2018 (199) and an 11% decrease from April 2019 (207).

A total of 171 applications were received during June 2019, which was a 7% decrease on June 2018 (185) and a 6% decrease from May 2019.

The Planning Manager said that 4 valid appeals had been received during May and 4 had been decided, with 3 having been dismissed and 1 allowed.

In June there had been 2 valid appeals received and 4 decided, 3 having been dismissed and 1 allowed.

The Authority had served its first Temporary Stop Notice at the new Co-op shop in Fordham relating to work being carried on out outside of the permitted hours.

In connection with enforcement, Members were asked to note the number of new complaints being registered and to bear in mind that the team comprised of only 2.5 full time equivalent Officers. The Planning Manager reiterated that when reporting an issue, it was important to give the exact address. She also said that some Members might recall the enforcement action involving Mr Tomlin; he had sold the land and just over £20,000 had

### **AGENDA ITEM NO 3**

been recovered in connection with the case as the Council had placed a charge on the land.

Councillor Schumann informed the Committee that he had recently attended a County Council event and a developer had told him that he wished every planning department was like East Cambs.

Whereupon,

It was resolved:

That the Planning Performance Reports for May and June 2019 be noted.

The meeting closed at 5.59pm.

**MAIN CASE**

**Reference No:** 19/00519/FUL

**Proposal:** Construction of 4no. 3 bed houses and refurbish existing 3 bed property on site with associated external amenity spaces, landscaping, parking and access arrangements

**Site Address:** 51 Cannon Street Little Downham Ely Cambridgeshire CB6 2SS

**Applicant:** Mr Jason Constable

**Case Officer:** Angela Briggs, Planning Team Leader

**Parish:** Little Downham

**Ward:** Downham  
Ward Councillor/s: Anna Bailey

**Date Received:** 8 April 2019      **Expiry Date:** 11<sup>th</sup> September 2019  
[U52]

1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit - FUL/FUM
- 3 Sample materials
- 4 Foul and Surface water drainage
- 5 Soft landscaping scheme
- 6 Site Characterisation
- 7 Reporting of unexpected contamination
- 8 Biodiversity improvements
- 9 CEMP
- 10 Construction times
- 11 Piling foundations
- 12 No burning of waste on site
- 13 Archaeological Investigation
- 14 Gates - restriction
- 15 New access - width
- 16 Parking & turning
- 17 Access drainage
- 18 Boundary Treatments

- 19 Soft Landscape Maintenance
- 20 Tree protection
- 21 Sustainable development - Full
- 22 Biodiversity management plan
- 23 Hard Landscaping Plan

## 2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks consent to retain and refurbish the dwelling at 51 Cannon Street and the construction of 4no. 3 bedroom dwellings, 3no to the rear and 1no. dwelling fronting White Horse Lane (adjacent to No.7).
- 2.2 A separate application has been submitted for the site adjacent to No.7 White Horse Lane for 1no. 3 bedroom dwelling (Ref: 19/00544/FUL).
- 2.3 The application site has a significant planning history. Planning application Ref: 17/00667/FUL was refused and the appeal was dismissed. Details of this application can be found below in section 3 under Planning History. I attach a copy of the appeal decision as Appendix 2. A further application was submitted, Ref: 18/00775/FUL which was also refused by Planning Committee and is currently subject of an appeal. I attach a copy of the decision notice as Appendix 3.
- 2.4 This application seeks to overcome the reasons for refusal of the last application by retaining the host dwelling and proposing additional biodiversity improvements across the site and associated ecology report have also been submitted.
- 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.**
- 2.6 The application was called into Planning Committee by Cllr Bailey due to its planning history and concerns from neighbours.

## 3.0 PLANNING HISTORY

3.1

17/00667/FUL	Demolition of existing dwelling and construction of 2no. four bedroom two storey detached dwellings, 4no. three bedroom one & a half storey detached dwellings and 1no. three bedroom two storey detached dwelling.	Refused	29.06.2017
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This application was appealed and the appeal was dismissed.

18/00775/FUL	Proposed demolition of existing And erection of 2no. 4 bedroom Dwellings fronting Cannon Street, 3no. 2 bedroom dwellings and 1no. 3 bedroom dwelling fronting White Horse Lane	Refused	11.02.19
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This application is subject to  
a current appeal.

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises a vacant plot of land once used as an orchard located just to the south of the development boundary of the village which also forms the boundaries of the rear gardens of 49A, 49 and 51 Cannon Street. These neighbouring dwellings also occupy elevated positions, in respect of the application site, with downward sloping gardens benefiting from mature gardens and hedge growth. Part of the eastern boundary of the site is demarcated by White Horse Lane, a small cul-de-sac serving four dwellings. To the south of the site is open farmland and to the west of the site are small-scale agricultural buildings and residential ancillary structures.

#### 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.

##### ECDC Trees Team - 12 July 2019

The submitted Arboricultural Impact Assessment and Method Statement is acceptable and compliance with its recommendations conditioned.

The site plan shows a considerable amount of new planting but no details are provided, please condition a soft landscaping scheme for this application.

The soft landscaping scheme should reflect the sites history with some heritage Apple species included in the design to assimilate the development into its surroundings and safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

##### Cambridgeshire Archaeology - 30 April 2019

Our records indicate that the site lies in an area of high archaeological potential, situated on the fringe of the planned medieval village core. In addition, the spur of high ground on which Little Downham is situated lies on the fen edge and is likely to have been attractive to earlier settlers, as evidenced by finds of Mesolithic and Bronze Age material from the area.

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 (18/00775/FUL, 17/00667/FUL) 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.

A brief for the archaeological work can be obtained from this office upon request.

### **Parish Council** - 7 June 2019

Little Downham Parish Council had concerns regarding this application and unanimously recommended outright refusal for the following reasons:

**1. Development of the site** – With the exception of the proposed refurbished dwelling on Cannon Street, the proposal would have a detrimental effect on neighbouring dwellings and result in a loss of privacy, in particular, nos. 49, 49A and 55 Cannon Street and nos. 5 and 7 White Horse Lane. The proposal would significantly harm the character and appearance of the area and the living conditions of residents adjacent and opposite the development site on Cannon Street and White Horse Lane. These impacts would result in a conflict with policies LP1 and LP2 of the East Cambs Local Plan 2015 and paragraphs 17 and 58 of the National Planning Policy Framework. In addition, planning permission approved in 2017 for 27 dwellings at the east end of Cannon Street negates the need for five additional new dwelling in this rural location.

**2. Parking issues** – Concern was expressed that insufficient proposed parking spaces had been allocated per dwelling to cater for future potential residents and their visitors. Inevitably cars would be parked on the access road and on-street parking on Cannon Street, which is a busy thoroughfare used by large farm and haulage vehicles and already subject to regular parking issues. It is recommended that each dwelling should have at least the number of parking spaces per the number of bedrooms, as well as additional parking areas for visitors. Quite often, for example, a three bedroomed property can have four adults living there who each own a vehicle.

**3. Loss of natural habitat** – Loss of the trees and shrubs of the Orchard (approximately 1.5 ha) has had a devastating impact on the local wildlife of the area, which is sited a few hundred yards north west of Little Downham Local Nature Reserve and a local habitat to protected species such as the Great Crested Newts and Bats. The Parish Council was concerned to be informed of the wilful use of chemicals being sprayed on the development site on at least four occasions and the detrimental effect it would have on any remaining vegetation and local wildlife, in particular, the Great Crested Newts of which an Amphibian Survey was due to be carried out in the Spring of 2019. It is understood that overspray has caused adjacent plants to suffer and die.

It is questioned whether the application, and subsequent actions of the applicant, conforms to Policy ENV7 of the Local Plan (2015) in respect of the protection of biodiversity and guidance contained within The National Planning Policy Framework (2012) in respect of undertaking of Appropriate Assessments of Habitats Directive Species?



**4. Surface Water Flooding** – Due to the loss of the Orchard trees and vegetation from the development site, concerns were expressed regarding existing flooding issues that would be exacerbated from development of this land, including the additional proposed development adjacent to White Horse Lane.

**5. Outside the development envelope** – Although this is not a reason for refusal on its own, it is observed that the three proposed dwellings, and that proposed on White Horse Lane, are outside of the development envelope and approval of this application could set a precedent for further backland applications into the open countryside.

**6. Change of land use** – It has come to the Parish Council's attention that there has been no application for the change of use of land from arable to residential. In effect, any spraying of the land should be recorded in order to comply with legislation. Is there any record of this being done.

**7. Proposed dwelling on White Horse Lane** – This is shown on the proposed plans as within the development area, so the Parish Council wishes to include it in this response, despite knowing a separate application had been submitted. The proposed dwelling would significantly harm the outlook from No. 5 and the living conditions of the occupant due to its size and proximity, which would have an overbearing appearance due to the steep incline of the Lane. The Lane is a single track and considerably narrow. Vehicle movement is very restricted and additional vehicles on this Lane would have a detrimental effect on existing occupants. There is insufficient proposed parking provision for the proposed three bedroomed dwelling. Wheelie bins and bins bags are left on Cannon Street, as the weekly refuse vehicles are unable to venture down the Lane.

**8. Amendment dated 20/05/2019 – Submission of Reptile Survey** – The survey submitted is dated October 2018 and was submitted with the previous application that was refused. The Parish Council is waiting for a copy of the Amphibian Survey that was requested by East Cambs Planning Committee to be carried out in 2019 when the Great Crested Newts were out of hibernation.

#### **Additional comments**

**9.** The Parish Council considered its comments following direct representations from local residents expressing objections in correspondence and attending the council meeting.

#### **Further Comments received 22<sup>nd</sup> July 2019 following further ecology reports:**

##### Application 19/00519/FUL and Amendments dated 19/06/2019 and 27/06/2019

Little Downham Parish Council had concerns regarding this application and unanimously recommended outright refusal for the following reasons:

**1. Development of the site** – With the exception of the proposed refurbished dwelling on Cannon Street, the proposal would have a detrimental effect on neighbouring dwellings and result in a loss of privacy to nos. 49, 49A and 55 Cannon Street and nos. 5 and 7 White Horse Lane. The proposal would significantly harm the character and appearance of the area and be detrimental to the living conditions of residents adjacent and opposite the development site on Cannon

Street and White Horse Lane. These impacts would result in a conflict with policies LP1 and LP2 of the East Cambs Local Plan 2015 and paragraphs 17 and 58 of the National Planning Policy Framework. In addition, the approved planning permission in 2017 for 27 dwellings at the east end of Cannon Street negates the need for five new dwellings in this rural location.

**2. Proposed dwelling on White Horse Lane** – It was noted that this is clearly included in the proposed plans for this development, despite a simultaneous separate application being submitted. The proposed dwelling would significantly harm the outlook from No. 5 and the living conditions of the occupant due to its size and proximity, which would have an overbearing appearance due to the steep incline of the Land. There is also no provision for on-site turning and parking is allocated in a single garage and one parking space outside. This is grossly inadequate for a three bedroomed dwelling. The Lane is a single track and considerably narrow. Vehicle movement is very restricted and additional vehicles from a new dwelling would have a detrimental effect on existing occupants. There is unsatisfactory parking provision for the proposed three bedroomed dwelling. Additional wheelie bins and bins bags would be left on Cannon Street, as the weekly refuse vehicles are unable to venture down the Lane.

**3. Parking issues** – There is insufficient proposed parking allocated per dwelling to cater for future potential residents and their visitors. Inevitably this would result in cars being parked on the access road and on Cannon Street, which is a busy thoroughfare used by large farm and haulage vehicles and is already subject to regular parking issues. It is recommended that each dwelling should have at least the number of parking spaces per the number of bedrooms, as well as additional parking areas for visitors. Quite often, for example, a three bedroomed property could have four adults living there, who would each own a vehicle. Therefore, two parking spaces allocated per dwelling is an inadequate provision.

**4. Great Crested Newt and Reptile Impact Assessment: Proposed Development of Four New Dwellings to Rear of 51 Cannon Street, Lt Downham dated June 2019** - The Council was pleased to read that there were positive results and three GCN were recorded, despite the devastating loss of the Orchard vegetation.

**5. Loss of natural habitat** – The removal of the Orchard trees and shrubs (approximately 1.5 ha) in the development site two years ago has had a devastating impact on the local wildlife of the area, which is sited a few hundred yards north west of Little Downham Local Nature Reserve and a local habitat to protected species such as the Great Crested Newts and Bats. The wilful use of chemicals sprayed on the site on at least four occasions in the past year and grass cutting has had a detrimental effect on the remaining vegetation and local wildlife, in particular, the GCN. Local residents have reported overspray that has caused adjacent plants to suffer and die.

It is questioned whether the application, and subsequent actions of the applicant, conforms to Policy ENV7 of the Local Plan (2015) in respect of the protection of biodiversity and guidance contained within The National Planning Policy Framework (2012) in respect of undertaking of Appropriate Assessments of Habitats Directive Species?

**6. Surface Water Flooding** – Due to the loss of the Orchard trees and vegetation on the development site, concerns were expressed regarding flooding issues that would exacerbate the issues for residents on White Horse Lane.

**7. Outside the development envelope** – Although this is not a reason for refusal on its own, it is observed that the four proposed dwellings are outside of the development envelope and approval of this application could set a precedent for further backland applications into the open countryside.

**8. Change of land use** – It has come to the Parish Council's attention that there has been no application for the change of use of land from arable to residential. In effect, any spraying of the land should be recorded in order to comply with legislation. Is there any record of this being done?

**9. Arboricultural Impact Assessment and Method Statement dated June 2019** – The report states that the site was inspected on 28/03/2017 and all arboricultural data contained in the report was recorded at that time. It is understood that the applicant removed the orchard trees and shrubs later in 2017. It is believed that the report submitted with this application is not correct because the trees referred to in the report have since been cut down and removed.

**Additional comments**

**10.** The Parish Council considered its comments following direct representations from local residents expressing objections.

**Ward Councillors** - No Comments Received

**Cambs Wildlife Trust** - 24 May 2019

I have reviewed the Reptile Survey report provided with the above planning application and am satisfied with the conclusions and recommendations pertaining to reptiles. However, the reptile report refers to a Preliminary Ecological Appraisal (PEA), which has not been provided – this should be supplied in order to assess potential impacts on other ecological receptors. In addition, the reptile report (and PEA) relate to a previous, larger proposal (ref 18/00775/FUL) and it is unclear whether the previous ecological reports are still relevant to the current proposals (it is best practice for an ecological assessment to assess the impacts of the specific proposed development) and whether previous ecological issues raised have been resolved. Further information regarding specific ecological impacts of the current proposal should be provided before this application is determined.

**Comments received 22<sup>nd</sup> July 2019 following further ecology reports:**

Further to my previous comments on the above application I welcome the additional Great Crested Newt and Reptile Impact Assessment Report (Greenwillows Associates, June 2019).

I consider that the recommendations of this updated report are appropriate and if permission is granted, these should be required by way of a suitably worded planning condition(s) (alongside other biodiversity measures already outline by MKA ecology, see comments in section 6.0 of the Greenwillows report). As noted by

Greenwillows, this should include production of and adherence to a detailed Construction Environmental Management Plan prior to any further site clearance/development. I note that a European Protected Species licence will be required and also recommend that should permission be granted, there is a condition requiring a copy of this licence to be submitted to East Cambridgeshire District Council, to ensure details of appropriate mitigation have been agreed with the relevant licensing body.

**Natural England** - No objection.

**Local Highways Authority** - 29 April 2019

No objection subject to conditions relating to:

HW11A – Access to be 5m wide for a minimum of 10m in to the property and layout as per the approved plans

HW14A – Turning and parking

HW22A – No private surface water shall be discharged on to the highway

**CCC Growth & Development**

No Comments Received

**Minerals And Waste Development Control Team**

No Comments Received

**Environmental Health** - 25 April 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 Bank Holidays

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

No other points to raise at this time but please send out the environmental notes.

**Waste Strategy (ECDC)** - 14 May 2019

No objection.

**The Ely Group Of Internal Drainage Board** - 2 May 2019

No objection.

**Lead Local Flood Authority** - 5 June 2019

No objection.

5.2 Neighbours – 14 neighbouring properties were notified and the responses received are summarised below. A site notice was posted and an advert in the Cambridge Evening News. A full copy of the responses are available on the Council's website.

- Noise and light pollution from additional cars;
- General noise and disturbance;
- Blocking views and light;
- Impact on Newts;
- Impact on privacy and overlooking (residential amenity);
- White Horse Lane is not suitable for construction traffic;
- No visitor parking;
- Additional traffic/Highway safety;
- Outside the development zone (Development outside the village framework);
- There are Natural Springs on the site;
- Historical flooding/run-off/drainage problems;
- Height of dwelling adjacent to 7 White Horse lane is too high (over-shadowing);
- Applicant has failed to address previous concerns relating to ecological impacts;
- Poor design;
- Not enough neighbours were notified;
- Impossible for refuse vehicles to gain access to Plot 5;
- Impact on visual amenity;

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
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
HOU 2	Housing density

## 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

Flood and Water

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

## 6.3 National Planning Policy Framework 2019

5 Delivering a sufficient supply of homes

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 & enhancing the historic environment

## 6.4 Planning Practice Guidance

## 7.0 PLANNING COMMENTS

### 7.1 **Summary of the site history**

7.2 By way of background and the journey of this site to date: The first application was submitted in 2017 for 7no dwellings (Ref: 17/00667/FUL). This was refused under delegated powers for the following four reasons:

- The proposal would detract from the existing form and character of the village;
- Loss of residential amenity by virtue of noise and disturbance to those existing dwellings along Cannon Street, due to the proposed location of the access;
- Plot 7 would have a demonstrable harm on the residential amenity and outlook of 5 White Horse Lane, due to its scale, location and positioning;
- Flood risk impact.

7.3 This decision was appealed and the Planning Inspector dismissed the appeal for the following reasons:

- The scheme would significantly harm the character and appearance of the area by virtue of the dominant design of the dwellings and their stark urbanising impact on the edge of the village;

- The scheme would significantly harm the living conditions of the occupants of No.49a (Cannon Street) and Plot 2 through frequent noise and disturbance at a close proximity and the outlook of no.5 (White Horse Lane)

- 7.4 Following the Inspector's decision, a further application was submitted, Ref: 18/00775/FUL for 6no dwellings. This application was called-in to Planning Committee for determination and was deferred to allow further discussions regarding the Ecological Survey, with particular regard to the alleged presence of Great Crested Newts on or near the site. Following deferral, the applicant submitted amended plans and additional ecological information. The application was taken back to Planning Committee in February 2019 where the application was refused, against officer recommendation, for the following 2 reasons:
- Cramped and contrived form of development, particularly by virtue of Plots 1 and 2 and the impact on residential amenity for future occupants. Significant and demonstrable harm to the character and appearance of the area and the amenity of future residents;
  - Uncertainty regarding the adequacy of the Preliminary Ecological Appraisal, particularly in relation to Great Crested Newts and the omission of a standalone Great Crested Newt survey.
- 7.5 An appeal is currently pending for this application.
- 7.6 This application, currently before Members, has been amended further and includes the submission of additional ecological reports to cover Great Crested Newts and Reptiles, to overcome the previous reasons for refusal, as stated above, and the removal of the 2 plots proposed along Cannon Street, retaining the existing dwelling.
- 7.7 **Principle of development**
- 7.8 The application seeks consent for a residential development comprising 4no. detached dwellings along with access, car parking and associated soft and hard landscaping. The scheme also incorporates on-site biodiversity improvement schemes. The proposal seeks to retain and refurbish the host dwelling, no.51 Cannon Street and provide adequate car and cycle parking, and bin storage. 3no. dwellings would be located to the rear of no.51 Cannon Street, and the fourth dwelling would be fronting onto White Horse Lane, adjacent to No.7.
- 7.9 The site is situated outside and on the edge of the development framework where it is normally unacceptable to allow housing, unless in exceptional circumstances where the need can be demonstrated, such as for affordable housing or a dwelling in connection with a rural operation. This does not fall within those categories and as such would not be supported under Policy Growth 2 of the East Cambridgeshire Local Plan, 2015. However, the Council cannot demonstrate that it has a 5 year housing land supply and as such this policy is considered to be out of date. Paragraph 11 of the NPPF, 2019 is relevant and states:

*“Decisions should apply a presumption in favour of sustainable development 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”*

- 7.10 This tilted balance is therefore triggered in this case and the proposal should be assessed against the three over-arching objectives: Social, Economic and Environmental roles.
- 7.11 In terms of the social role, the proposal would bring limited benefits other than resulting in additional dwellings for the local housing stock and is located close to the village centre where walking is feasible over the use of the private vehicle, thus making it a sustainable location for dwellings. In terms of the economic role, it would create short term employment opportunities during the construction phases. In terms of the environmental role, this proposal would bring forward on-site biodiversity enhancements which is considered positive and is supported by the Council. The proposal must also be considered against the other planning material considerations which will be discussed in more detail throughout this report.

The report which was taken to Planning Committee on the 24<sup>th</sup> September 2018 is attached as appendix 4 of this report and covers the main considerations of the application in relation to the planning history and principle of development on the site, residential amenity, visual impact, highways safety and parking, and drainage. This report should act as an aide for reference in conjunction with this report. The proposed application seeks to overcome the reasons for refusal of the previous application (Decision notice attached as appendix 3). The scheme proposed as part of this application has therefore been amended by:

- Retaining the host dwelling and reducing the total no. of dwellings on the site by 1 dwelling;
- Proposing additional on-site biodiversity improvements across the site and the submission of the Reptile Survey and the Great Crested Newt and Reptile Impact Assessment.

- 7.12 It is therefore considered that the proposal is acceptable and complies with the aims and objectives of Policies Growth 2 and Growth 5 of the East Cambridgeshire Local Plan 2015.

7.13 **Residential Amenity**

- 7.14 The proposal would involve the retention and refurbishment of No.51 Cannon Street which would include the reconstruction of the existing garage to the south eastern side of the dwelling. A new vehicular access would be formed to the west of no.51 Cannon Street. This access would serve 3no dwellings to the rears of no.51 Cannon Street and 49 and 49a Cannon Street. 51 Cannon Street is considered to be quite prominent in the street scene and its refurbishment is welcome to enhance the street scene and retain its character. The new access would open up this side of the street forming a gap. However, the street is not uniform and there is no natural rhythm along here, some dwellings are set further forward and others are set back. There is a width of approximately 7m between the access and no.55 Cannon Street, to the West, and approximately 4m from the flank wall of no.51



Cannon Street. There would also be an area of greenery to the west side of the access which would provide a buffer between the access and no.55 Cannon Street. In terms of noise and disturbance of vehicles using the access, it is considered that there is sufficient space and distance between the access and neighbouring dwellings to minimise this impact, and is considered acceptable.

- 7.15 The location of the 3no. dwellings to the rear of no.51 Cannon Street, remain the same as in the previous application. The contemporary style of plots 2 - 4 also remains the same and therefore their relationship with the surrounding built form has not changed since the previous application. The previous application was not refused on the principle of the properties to the rear.
- 7.16 The previous refusal (Ref: 19/00775/FUL) is a material planning consideration, particularly reason 1, in respect of the impact on residential amenity. The two dwellings that were proposed to replace no.51 Cannon Street, have now been removed from this scheme and it is considered that the proposal overcomes this part of the refusal reason and would not cause significant impact on residential amenity by way of overbearing on neighbouring properties or on the amenity of future occupants. The existing dwelling would be refurbished and it is not considered to not harm the residential amenities of adjoining occupiers, or the future occupiers of the proposed dwellings. The existing garage is proposed to be rebuilt on the existing footprint. The garage would provide adequate space for bins to be stored and cycles to be parked within the garage in accordance with Policy ENV2 of the East Cambridgeshire Local Plan, 2015 and the Council's parking standards for cycles.
- 7.17 The 3no dwellings to the rear would be situated in excess of the 20m distance from the rears of the host dwelling, and nos. 49 and 49a Cannon Street, as recommended in the Design Guide SPD and is acceptable in terms of any overlooking impact or appearing overbearing. The design of these dwellings were assessed in the committee report for 18/00775/FUL and were considered to be acceptable and was not refused on these grounds. The design, subject of this application, remains the same and as such this view remains unchanged. The parking areas serving each dwelling would be sufficient distance away not to cause significant noise and disturbance to neighbouring properties. A condition has been recommended to request details of the soft landscaping on site, which could mitigate against noise and disturbance of vehicles moving on the site. The plans also show a green buffer between the parking areas/access and the rear boundaries of the host dwelling and nos. 49 and 49A Cannon Street.
- 7.18 With respect to Plot 5, adjacent to No.7 White Horse Lane, the dwelling would still be accessed separately via White Horse Lane, and the design, layout and position on the plot also remains unchanged since the previous application. The relationship with the neighbouring properties, No. 7 White Horse Lane and nos. 4 and 5 White Horse Lane, in term of the impact on residential amenity, is still considered to be acceptable. The design of Plot 5 was amended following the appeal to overcome concerns raised (This was Plot 7 as part of that appeal).
- 7.19 It is acknowledged that neighbours have still expressed concerns regarding the impact of the proposal on their private amenity areas. However, as the proposal remains the same as previously submitted under Ref: 18/00775/FUL, and was

assessed as being acceptable and not refused on this basis, it is considered that this view remains unchanged.

- 7.20 It is considered that in respect of residential amenity, the proposed development is acceptable and complies with the aims and objectives of Policy ENV2 of the East Cambridgeshire Local Plan, 2015, and the Design Guide SPD.
- 7.21 **Visual Amenity**
- 7.22 In terms of visual amenity, it is considered that the proposal offers improvements to the scheme by the deletion of the two dwellings along the Cannon Street frontage and retaining the existing host dwelling. The street scene would remain relatively as existing, although the new access from Cannon Street would slightly alter the street scene. It is not, however, considered that the creation of the new access would cause significant harm to the visual amenity of the street scene and would still allow some open views across the sloping landscape beyond. The dwellings would be cut into the sloping landscape which would lessen the visual impact of them on the open landscape as some of the built form would be below eye level. Furthermore, it is considered that a good quality soft landscaping scheme would help to mitigate against the visual impact of the development on the rural setting.
- 7.23 Furthermore, it is considered that the location of the proposed dwellings would read well with the existing dwellings around them and not appear incongruous within the landscape. The long rear gardens of the new dwellings would help to assimilate them in their rural setting and the open fields beyond them.
- 7.24 In terms of Plot 5, adjacent to no.7 White Horse Lane, this dwelling would relate more with the existing dwellings along White Horse Lane, rather than to Plots 1 – 4. The design of this dwelling seeks to reflect the traditional character of this part of the village and would not be out of keeping with the existing neighbouring dwellings. The design has not changed since the last application and was not part of the reason for refusal. The design of Plot 5 was amended as part of the last application to overcome the concerns raised on the initial application and by the Inspector's decision. The initial design of this plot comprised a large one and a half storey dwelling with a large two-storey rear projection which was considered to block and harm the outlook from No.5 White Horse Lane. The amended scheme, as proposed in the last application, as part of this application is therefore considered to be acceptable.
- 7.25 It is considered that in respect of visual amenity, the proposal is acceptable and complies with the aims and objectives of Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, 2015.
- 7.26 **Highway Safety**
- 7.27 The proposal would be served by a new access from Cannon Street. The 3no dwellings to the rear would have parking and turning provided. The access for Plot 5 would be from White Horse Lane, with parking provided off-street. The Local Highways Authority (LHA) have raised no concerns with the proposal and the majority of the dwellings would utilise a parallel parking arrangement.

- 7.28 Concerns have been raised regarding the increase in on-street parking along Cannon Street and the lack of visitor parking. As the site provides policy-compliant levels of off street parking, and the provision of visitor parking is shown on the plans, these concerns would not warrant outright refusal of the application. The LHA raised no concerns regarding vehicle capacity of conflict of uses along Cannon Street and make no comment regarding the access to Plot 5 from White Horse Lane, as this is not a public highway.
- 7.29 **Ecology & Trees**
- 7.30 The previous refusal included a reason based on the uncertain adequacy of the Preliminary Ecological Appraisal submitted with that application (Reason 2). This application includes a Reptile Survey by MKA Ecology and a Great Crested Newt and Reptile Impact Assessment by Greenwillows Associates, dated June 2019. The proposal also includes on-site biodiversity enhancements by including a nature corridor, pond, rough wildflower grass, a hibernacula and a wood pile area.
- 7.31 It is acknowledged that biodiversity is significant on this site and Members felt strongly about its importance at the previous Planning Committee meeting. Policy ENV7 of the Local Plan is clear in that all developments will be required to protect the biodiversity value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. The policy also expects 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, to be submitted, and details to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals.
- 7.32 The Reptile survey and the Great Crested Newt and Reptile Impact Assessment reports have identified that Great Crested Newts are present in the locality, indeed they found eDNA (environmental DNA) in two nearby ponds. eDNA is a new scientific method in detecting whether Great Crested Newts have once occupied an area and therefore a more accurate indication of the presence of Great Crested Newts. The Reptile Survey by MKA concluded that no reptiles were found during the surveys and have made two recommendations to develop a reptile method statement and to include on-site habitat improvements such as rough grassland and log piles for grass snakes. Hedgehog Highways are also encouraged into the bottom of the fences of the gardens in the south of the site to improve connectivity. It is considered that the proposal incorporates adequate on-site biodiversity enhancements to ensure that Great Crested Newts and other reptiles are not compromised, which are shown on drawing number PL101 Rev F. Both reports have been assessed by the Wildlife Trust and they have advised that they agree with the findings of the reports and the scheme for on-site biodiversity enhancements are acceptable and have recommended conditions. Conditions have therefore been recommended, if planning permission is granted, for the management and details of this scheme to ensure that it works successfully on site and that the development can mitigate against the loss of the Great Crested Newts during any site clearance, construction phases, through to completion and beyond (see appendix 1).

- 7.33 The application is also accompanied by an arboricultural report (Greenwillows Associates, dated June 2019) due to the fruit trees on the site. The Council's Tree Officer has assessed the report and concluded that it is acceptable and has recommended a condition requiring soft landscaping to include some historical reference to the orchard that was and still is there. A condition has therefore been appended which has been amended to include the reference to the apple trees.
- 7.34 The Parish Council raised concern regarding whether the applicant should be undertaking assessments under the Habitat Directive. These are usually required for projects which are likely to have a significant effect upon a European Site. Therefore an appropriate assessment is not required.
- 7.35 It is therefore considered that, in respect of Ecology and Trees, the proposed development is acceptable and complies with the aims and objectives of Policies ENV2 and ENV7 of the East Cambridgeshire Local Plan, 2015 and the NPPF, 2019.
- 7.36 **Flood Risk and Drainage**
- 7.37 The site is located within Flood Zone 1 which has the lowest probability of flooding and where new development should be located in favour of those areas within Flood zones 2 and 3 (those areas at more risk). A surface water drainage strategy has been submitted as part of the application. The strategy would involve an attenuation system, underground, which would be able to hold up to 38 cubic metres of water. The area of this attenuation tank would be below the hard standing area between plots 2 and 3. Surface water from plots 2 – 5 would discharge into the ditch along the southern end of the site. The ditch would act as a swale as it would store surface water. During the appeal process for Ref: 17/00667/FUL, significant additional information was submitted and no objections were raised by the Local Lead Flood Authority and the Planning Inspector was satisfied that the appellant demonstrated that there would be an available and workable solution to managing surface water drainage that would reduce the flood risk to an acceptable level. The drainage strategy submitted as part of this application is not the same as that which was considered at appeal and as such a condition is recommended to ensure that an appropriate drainage scheme can be implemented on the site.
- 7.38 The Local Lead Flood Authority (LLFA) have not made any comments on this application. However, a condition has been recommended to ensure that a full drainage strategy, to include foul water drainage, is submitted, and will be scrutinised by the LLFA to ensure that the strategy can be implemented.
- 7.39 It is considered that in respect of drainage and flood risk, the proposal complies with Policy ENV8 of the East Cambridgeshire Local Plan, 2015, and the Flood and Water SPD.
- 7.40 **Other Material Matters**
- 7.41 The site is located within a Mineral Safeguarding Area as identified within the CCC Minerals and Waste Core Strategy (2011). No comments have been received from CCC and as the site is relatively small it is not considered commercially viable to extract the mineral from the site. The applicant has stated that the minerals will be

retained in situ during development of the site (page 34 of the Planning Statement). The extraction of minerals would also have a detrimental impact on the residential amenities of surrounding residents and therefore would not be a suitable use for this edge of village site.

- 7.42 In order to protect residential amenity during construction, a Construction Environmental Management Plan (CEMP) will be secured by condition along with restriction on construction times and the burning of waste on site.
- 7.43 Policy ENV4 of the East Cambridgeshire Local Plan, 2015 requires that all new developments should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. An energy and sustainability strategy condition has been recommended to ensure that this can be achieved.
- 7.44 Policy ENV14 of the East Cambridgeshire Local plan 2015 requires new development affecting archaeological sites to submit further information for assessment. The Cambridgeshire County Council Archaeology Team have identified this site as having archaeological significance and has recommended a condition to require a written scheme of investigation. A condition has been appended to ensure this is submitted to safeguard any potential archaeology on the site.
- 7.45 In terms of the provision of bins, the plans indicate adequate waste collection areas for the proposed development. They would be located in a communal storage area within the site and where a refuse vehicle could enter and turn within the site for collection, although bins and bags could be brought to the entrance of the site for collection if refuse vehicles cannot enter the site. Whilst this would be in excess of the distance recommended in the RECAP SPD (25m), it is not considered significant to warrant refusal of the application on this basis. The waste collection area for plot 1 would remain the same and the waste collection area for plot 5 would be from White Horse Lane. These are considered acceptable and would comply with Policy ENV2 of the East Cambridgeshire Local Plan, 2015 and the RECAP SPD.
- 7.46 The Parish Council are concerned that an application for a change of use has not been submitted. This application considers this and, if granted, would accept the change of use of the land for the construction of dwellings, as part of the approval.
- 7.47 **Planning Balance**
- 7.48 The proposal represents a sustainable form of development on the edge of the settlement of Little Downham. The scheme would provide four additional dwellings and a refurbished dwelling at 51 Cannon Street. The dwellings would be modern, sustainable building standards and there would be a positive contribution to the local and wider economy in the short term through construction work and long term benefits to the natural environment through on-site biodiversity improvements. It would also contribute a small amount of housing to the local housing stock.

7.49 The proposal seeks to overcome the previous reasons for refusal and take on board the issues raised by the Planning Inspector through the previous appeal decision. This proposal aims to overcome these issues through amendments in the design, reduction in total number of dwellings, and incorporating on-site biodiversity enhancements and submission of required surveys, respecting the existing ecological values of the site. It is considered that the proposal adequately addresses the concerns raised as part of the previous application and complies with the aims and objectives of Policies ENV2 and ENV7 of the East Cambridgeshire Local Plan, 2015 and the NPPF, 2019. Furthermore the appearance, layout and density of the scheme sympathises with the surrounding rural setting and the built variety currently along Cannon Street. The proposal appropriately feathers the built edge of the village and acts as a transition between the rural and the urban. The benefits of the scheme are considered to outweigh the level of harm caused and the application is recommended for approval.

8 APPENDICES

- 8.1 Appendix 1 – list of conditions
- Appendix 2 – Appeal decision for Ref: 17/00667/FUL
- Appendix 3 – Decision notice for Ref: 18/00775/FUL
- Appendix 4 – Committee report for 18/00775/FUL (24<sup>th</sup> September 2018 and 6<sup>th</sup> February 2019).

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00519/FUL 18/00775/FUL 17/00667/FUL	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](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 - 19/00519/FUL Conditions

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

Plan Reference	Version No	Date Received
AIA		19th June 2019
TPP_51CANNONST_A	A	19th June 2019
Reptile Survey		20th May 2019
PL-4-01 Street	C	28th May 2019
GCN & Reptile Impact Assessment		June 19 27th June 2019
PL101	F	27th June 2019
PL102	F	27th June 2019
Transport Statement		8th April 2019
Location Plan		8th April 2019
PL-2-04	B Plot 5	8th April 2019
PL-02-05	Plot 1	8th April 2019
PL-2-03	B Plot 2-4	8th April 2019
PL-4-02	B	8th April 2019
PL-3-04	C Plot 5	17th April 2019
PL-3-03	C Plot 2 - 4	17th April 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 construction shall take place on site until details of the walls, roof, windows and doors 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.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 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 occupation of any dwelling.
- 4 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.
- 5 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 ten 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.

The soft landscaping scheme shall reflect the site's history with some heritage Apple species included in the design to assimilate the development into its surroundings and safeguard the character and appearance of the area.

- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 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.
- 6 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.
- 7 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.

- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 8 The development hereby approved shall be completed only in accordance with the biodiversity recommendations and mitigation measures as stipulated within the Great Crested Newt and Reptile Impact Assessment document (Greenwillows Associates), dated June 2019, the Reptile Survey carried out by MKA Ecology, dated October 2018, and as detailed on Drawing number PL101 Rev F. The biodiversity improvements shall be installed prior to the first occupation of any dwelling, hereby approved, and thereafter maintained in perpetuity.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to any site clearance or 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.
- 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 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.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 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.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-

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

- 12 No burning of waste shall take place on site during the site clearance or construction phases.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 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.
- 13 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.
- 14 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on drawing number PL101 Rev F.
- 14 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 15 The 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.
- 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 or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 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 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 and shall remain in perpetuity.

- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping scheme (in accordance with the biodiversity management plan (condition 8) and recommendations of the Great Crested Newts and Reptile Impact Assessment by Greenwillows Associates and the Reptile Survey dated June 2019 by MKA Ecology dated 20th May 2019) for a minimum period of ten 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 implementation
  - iv) details of any phasing arrangements
- 19 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 The development hereby permitted shall be completed only in accordance with the recommendations and tree mitigation measures as detailed within the Arboricultural Impact Assessment and Method Statement, dated June 2019. The protective measures contained within the report 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.
- 20 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.
- 21 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.
- 21 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.
- 22 Prior to the commencement of development a Biodiversity Management Plan based on the recommendations provided by MKA Ecology in their Reptile Report dated October 2018 and from Greenwillows Associates in their Great Crested Newt and Reptile Impact

Assessment report dated 27th June 2019, shall be submitted and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall include details of the enhancement of the nature corridor, wood pile, pond, hibernacula and rough wildflower grass areas as shown on drawing number PL101 Rev F.

- 22 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.
- 23 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: hard surfacing materials, car parking layouts and any 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.
- 23 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



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## Appeal Decision

Site visit made on 5 February 2018

**by Graham Chamberlain BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> February 2018**

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**Appeal Ref: APP/V0510/W/17/3189530**

**51 Cannon Street, Little Downham, Cambridgeshire CB6 2SS**

- 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 Jason Constable against the decision of East Cambridgeshire District Council.
  - The application Ref 17/00667/FUL, dated 7 April 2017, was refused by notice dated 29 June 2017.
  - The development proposed is described as 'demolition of existing and erection of 2no. 4 bedroom dwellings fronting Cannon Street, 4no. 3 bedroom dwellings and 1no. 3 bedroom dwelling fronting White Horse Lane'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - Whether the proposed dwellings would be in a suitable location with particular reference to local policies concerned with housing in rural areas;
  - The effect of the proposed development on the character and appearance of the area;
  - The effect on the living conditions of residents, with particular reference to outlook and noise and disturbance; and
  - Whether the appeal scheme would adequately address the potential risks from surface water flooding.

### Reasons

#### *Rural housing policies*

3. Policy Growth 2 of the East Cambridgeshire Local Plan 2015 (LP) directs most new development to sites within defined settlement development envelopes. This is in order to safeguard and enhance the role of existing settlements as service centres, protect the countryside and safeguard the setting of towns and villages. Policy Growth 2 states that development outside defined development envelopes will be strictly controlled to a list of specified categories.
4. Part of the appeal site is located outside the defined development envelope of Little Downham and is therefore in the countryside for the purposes of applying

the policies in the LP. I have seen nothing to suggest those properties that would be in the countryside would fall within one of the categories listed in Policy Growth 2 and therefore their siting would be at odds with, and thus undermine, the plan led approach for the location of new development.

*The effect on the character and appearance of the area*

5. The appeal site is located along the southern boundary of the village and currently encompasses a modest detached dwelling with an attractive historic appearance and an unassuming presence in the street scene. It is positioned in a relatively spacious plot with the garden located to the side and enclosed by a brick wall. The space either side of the dwelling facilitates views of the open countryside beyond and this enhances the street scene of Cannon Street.
6. Behind the dwelling is a sloping field that was once used as an orchard and an area to cultivate vegetables. The evidence before me suggests this land is not part of the garden of 51 Cannon Street. This area has been largely cleared although some of the fruit trees have been retained. It currently softens the edge of the village and provides a visual bridge between the more built up street scene of Cannon Street and the open countryside beyond. Thus, its undeveloped appearance contributes positively to the character of the area by providing a soft and informal transition from village to countryside.
7. The appeal site's main frontage is onto Cannon Street. The pattern of development in this residential street is mainly linear although there is some development behind the building line on the southern side of the road. This is mainly in the form of the occasional agricultural building. White Horse Lane also departs from the linear character of Cannon Street. This lane is narrow and has an informal layout.
8. Cannon Street has numerous layers of development with historic properties intermingled with an eclectic mix of later infilling, mostly dating from the 20<sup>th</sup> Century. This has resulted in a varied street scape although there is some consistency in the scale of properties, the general pallet of materials and their orientation, with properties facing the road. Many of the properties in Cannon Street are detached and set in from their side boundaries. This creates spaces in-between the properties for landscaping and the occasional view of Ely Cathedral and the open countryside beyond the village.
9. The appeal scheme is to demolish the existing property within the appeal site and replace it with two detached dwellings (Plots 1 and 2). Behind these dwellings would be a pair of garages and beyond this a row of four mainly single storey dwellings (Plots 3 – 6). In the south east corner of the site a seventh detached dwelling would be erected with a frontage onto White Horse Lane (Plot 7). Three of the properties would exhibit a historic style whereas the four properties in the centre of the site would employ a modernist style with flat 'green' roofs and extensive areas of glazing.
10. Plots 1 and 2 would have simple symmetrical elevations and well considered period detailing including chimneys and historic window styles. However, they would be relatively tall when viewed against the properties on the southern side of the street and set close to one another and their respective boundaries. As such, they would be imposing and comparatively cramped additions to the street scene. Their stark presence would be compounded by their identical appearance, which would seem discordant in a street scene largely

characterised by variety. Overall, Plots 1 and 2 would negatively impact upon the character and appearance of Cannon Street.

11. Plots 3 – 6 would be positioned in the open land behind the linear frontage development in Cannon Street. In this respect the appeal scheme would have an urbanising impact that would erode the positive contribution undeveloped appearance of this part of the site currently gives the edge of the village. The presence of the four houses would also breach the prevailing frontage pattern of development along Cannon Street. Nevertheless, there is built development either side of the appeal site with farm buildings to the south west and White Horse lane to the east. There is also another 'backland' site nearby to the east (Council Reference 16/01385/FUL). Therefore, the ditch to the south of the site can reasonably be considered a natural punctuation. Thus, housing within the central part of the appeal site need not appear as an incongruous intrusion of development into the countryside.
12. Plots 3 - 6 would be arranged in a horizontal row and on lower ground than the houses to the immediate north. This would reflect the grain of development along Cannon Street. However, Plots 3 – 6 would be large and arranged with insufficient space in-between them. This would result in the built form of the houses continuously spanning much of the width of the site and appearing relatively cramped. This arrangement would have a tight urban form that would limit opportunities in between the dwellings for landscaping or to create localised views that would otherwise soften their appearance.
13. Consequently, Plots 3 – 6 would present a hard edge to the countryside when looking towards the village from West Fen Drove and the public footpath to the south of the appeal site. The development would be prominent from these vantage points<sup>1</sup>, especially in the winter months when landscape screening would be less effective. It would therefore have a stark urbanising impact on the edge of the village. Again, the uniformity of the layout and appearance of the four houses would have a jarring visual effect that would set the appeal scheme apart from the varied appearance of surrounding development.
14. The generally low profile of the dwellings, the use of 'green' roofs and the large rear gardens (with trees retained within them) would not sufficiently soften the impact of the dwellings and the hard transition from village to countryside. This is because the dwellings would have prominent first floors and a tight urban configuration and form. Moreover, the site access would be a hard feature as it would be wide, formal and flanked by fencing. Overall, the appeal scheme would not successfully 'feather' or visually bridge the edge of the village with the countryside beyond.
15. Plot 7 would be sited in a gap in the street frontage of White Horse Lane. The gap has dimensions that broadly reflect the plots sizes of surrounding properties and therefore it would be a natural infilling. There are currently views across this part of the site from the lane towards the countryside but the proposed dwelling would not entirely fill the plot and therefore wholly block the visual connection between the lane and the countryside beyond.
16. The front elevation of Plot 7 would exhibit modest proportions in keeping with the other development in White Horse Lane. It would also be set in from the

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<sup>1</sup> The Landscape Visual Assessment Report prepared by Liz Lake Associates identifies the visual envelope of the proposal and includes these vantage points.

side boundaries of its plot and back from the road. This would afford the curtilage a spacious appearance when viewed from public vantage points. However, the acceptability of Plot 7 in this respect would not mitigate for the limitations I have identified with the other dwellings.

17. I therefore conclude that the appeal scheme would significantly harm the character and appearance of the area and this would place it in conflict with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (LP), which seek to deliver high quality designs that are of an appropriate scale and form that complements the context and surroundings and respects village character.

*The effect on the living conditions of residents*

18. The appeal scheme would not result in a conflict between land uses but the main site access would be a driveway positioned between 49a Cannon Street (No 49a) and Plot 2. The occupants of six of the seven proposed homes would enter and exit the site along this access driveway. It would be quite long and sloping and therefore motorists would be revving their vehicles in low gears as they exit the site. The flank elevation of No 49a has a number of windows that would face onto the driveway and part of the rear garden would adjoin it. These parts of the dwelling are more sensitive to noise disturbance being the more private areas to the side and rear of the house.
19. Motorists would pass reasonably close to the windows and rear garden of No 49a due to the narrowness of the strip of land flanking the driveway. The comings and goings of the occupants of six homes, along with their guests and deliveries, would result in frequent vehicular movements close to the windows of No 49a. This would be a notable intensification relative to the existing situation that would significantly harm the living conditions of the occupants.
20. The appellant accepts that there would be some harm but considers it would not be significant because the presence of services and public transport in the village would reduce vehicle movements. However, evidence has not been provided to substantiate this. The proposed layout would be similar with that of 47 Cannon Road and White Horse Lane but the latter is an historic situation that has grown up over time, whereas the magnitude of change for the occupants of 49a Cannon Street would be considerable.
21. The living conditions of the occupants of Plot 2 would not be harmed when inside their property as the flank wall facing the driveway would only have a single window serving an ensuite bathroom. Nevertheless, the frequent noise and disturbance emulating from vehicles going up and down the driveway would be harmfully evident when the occupants of Plot 2 were in their garden.
22. The Council's Environmental Health Officers have not objected to the scheme but this is not determinative as I have reached my own conclusions for the reasons already given.
23. Once in the site and past the side elevations of Plot 2 and No 49a, the vehicle movements associated with Plots 5 and 6 would not be harmful to the occupants of surrounding properties as there would be a wide buffer between the access road and the adjoining rear boundaries. The living conditions of the occupants of the properties on the northern side of Cannon Street would not be harmfully affected by the headlights of cars exiting the appeal site because the impact would be infrequent and the headlights would normally be dipped.



24. Plot 7 would intrude upon the outlook from 5 White Horse Lane (No 5). Its presence need not harm the outlook from this dwelling as a similar relationship exists between the properties to the immediate east. Moreover, Plot 7 would be stepped in from the southern boundary of the site, which could be planted with landscaping that would soften the built form of the dwelling. However, the rear projection of Plot 7 would be disproportionate in its depth and bulky in appearance. As such, the flank elevation of Plot 7 would project along much of the frontage of No 5. This would significantly harm the outlook from No 5 and thus the living conditions of the occupation.
25. I therefore conclude that the appeal scheme would significantly harm the living conditions of the occupants of No 49a and Plot 2 through frequent noise and disturbance at a close proximity and the outlook from No 5. I therefore conclude that the proposal would be at odds with Policy ENV2 of the LP, which seeks to prevent significantly detrimental effects on residential amenity.

*Whether the appeal scheme would adequately address the potential risks from surface water flooding*

26. Infiltration would not be a feasible means of drainage so the strategy<sup>2</sup> appended to the appellant's appeal submissions would involve surface water being directed into the ditch along the southern and western boundaries of the appeal site. The ditch would act as a swale as it would store surface water. The calculations undertaken by the appellant's engineers indicate it would have sufficient capacity even when climate change is factored in. I have no reason to disagree. A control would be inserted before the culvert at the eastern end of the ditch so that the discharge from it could be appropriately attenuated.
27. The Council are concerned that surface water from Plots 3 – 6 would directly enter the ditch without attenuation. However, the ditch would function as the attenuation as water would be stored in it and released at a suitable rate. The Council have not indicated that the use of the ditch as a swale would be unacceptable.
28. The Council has made a number of detailed criticisms in respect of the Drainage Strategy, particularly a number of alleged discrepancies within it. However, the discrepancies appear to relate to a different version of the strategy as the paragraph references do not correspond and the drainage strategy before me does not refer to a balancing pond, a commuted sum or the need to gain the approval of the Internal Drainage Board.
29. Consequently, I am satisfied the appellant has demonstrated that there would be an available and workable solution to managing surface water drainage that would reduce the flood risk to an acceptable level. A planning condition could have been imposed to secure the precise details had the scheme been otherwise acceptable. Thus, the appeal scheme would adequately address the potential risks from surface water flooding and thus adhere to Policy ENV8 of the LP and the guidance in the National Planning Policy Framework and the Flood and Water Supplementary Planning Document.

**Other Matters**

30. When the Council issued its formal decision it was unable to demonstrate a five year housing land supply. It has since stated in its submissions that it is now

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<sup>2</sup> Reference: 1908 – DS – Rev A March 2017

able to demonstrate an adequate housing supply of between 5.39 and 6.94 years. The appellant has disputed this providing his own report that concludes there is only a 4.5 years supply<sup>3</sup>. The difference between the appellant's figures and those of the Council can broadly be explained by the different weight attached to the housing allocations in the emerging local plan.

31. If there is not an adequate five year housing land supply then the Council's policies for the supply of housing would be out of date and the tilted balance in Paragraph 14 of the National Planning Policy Framework would be engaged as an important material consideration. This states that planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.
32. The appeal scheme would be contrary to Policy Growth 2. However, if the Council are unable to demonstrate an adequate housing supply, and this policy is applied rigorously, then any attempt to remedy the situation would be frustrated. Nevertheless, although Policy Growth 2 is possibly out of date, it postdates the Framework and therefore its underlining aims to protect the countryside and the setting of villages is broadly consistent with it. Moreover, if the appellant's figures are correct then the housing supply is not dramatically below where it should be. The Council are also working on a new local plan, which is soon to be examined. If adopted it would identify a number of new housing sites. Thus, the conflict with Policy Growth 2 could be afforded moderate weight in spite of the housing land supply deficit.
33. The proposal would significantly harm the character and appearance of the area and the living conditions of residents. These impacts would result in a conflict with Policies ENV1 and ENV2 of the LP and Paragraphs 17 and 58 of the Framework. Even when taking account of the objective of boosting significantly the supply of housing I afford the conflict with these policies significant weight.
34. The proposal would be a windfall development that would support the local economy through construction jobs and the circulation of funds. The proposal would also increase housing supply in a location close to services and facilities. This would support the vitality of the rural community but only in a generic sense as I have seen nothing to suggest services in the rural community are struggling due to the size of the population or that the proposed housing would address a specific local need. Moreover, the appeal scheme would only result in a net gain of six dwellings and therefore the general economic and social benefits would be moderate.
35. Consequently, even if I were to conclude that there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, and that relevant policies for the supply of housing should not be considered up-to-date thereby triggering the tilted balance in Paragraph 14 of the Framework, the adverse impacts of granting permission would still significantly and demonstrably outweigh the benefits.
36. Reference has been made to a number of appeal decisions where housing has been permitted outside defined settlement boundaries. However, I have considered the specific impacts of the appeal scheme in the particular context

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<sup>3</sup> The report speculates that the shortfall could be lower but these scenario is not presented in the same detail

of the appeal site and have found it to be harmful for the reasons already given. As such, there is no inconsistency between my decision and the others referred to by the appellant.

37. An ecological report was submitted with the planning application but not the appeal, and this apparently suggested that further surveys are required and that a reptile mitigation strategy may be necessary. There is nothing before me to suggest the additional surveys have been undertaken. Circular 06/2005<sup>4</sup> states that biodiversity surveys can only be left to a planning condition in exceptional circumstances so I would need to see further evidence before I was satisfied this issue has been satisfactorily addressed. However, given my findings above it has not been necessary for me to consider this further. Similarly, concerns have been raised by interested parties in respect of highway safety, but this does not need further consideration as the appeal has failed on the main issues.

### **Conclusion**

38. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

*Graham Chamberlain*  
INSPECTOR

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<sup>4</sup> Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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Mr Jason Constable  
C/O PiP Architecture  
FAO Chris Senior  
4 Belmont Place  
Cambridge  
Cambridgeshire  
CB1 1AR

*This matter is being dealt with by:*

Rebecca Saunt

Telephone: 01353 616357  
E-mail: [rebecca.saunt@eastcambs.gov.uk](mailto:rebecca.saunt@eastcambs.gov.uk)  
My Ref: 18/00775/FUL  
Your ref

11th February 2019

Dear Sir/Madam

## TOWN AND COUNTRY PLANNING ACT 1990

### REFUSAL OF PLANNING PERMISSION

The Council hereby **refuses** the following:

**Proposal:** Proposed demolition of existing and erection of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings and 1no. 3 bedroom dwelling fronting White Horse Lane.  
**Location:** 51 Cannon Street Little Downham Ely Cambridgeshire CB6 2SS  
**Applicant:** Mr Jason Constable

The Council hereby refuses permission for the application reference **18/00775/FUL** registered 7th June 2018.

### REASONS FOR REFUSAL


1 Cannon Street consists of a varied streetscene, although many of the properties are detached and set in from their side boundaries, creating space in-between properties for landscaping. Plots 1 and 2 of the proposed development would both abut the proposed access road with their side elevations and fill the majority of the width of the plots appearing both cramped and contrived. The overall size and scale of plots 1 and 2 in relation to their plot size further exacerbates the situation, creating an adverse impact on residential amenity for future occupants. The proposal would cause significant and demonstrable harm to the character and appearance of the area and the amenity of future residents and would be contrary to policy ENV2 and LP22 of the Submitted Local Plan 2018.

2 There are records of Great Crested Newts within the locality and the site is considered to provide suitable habitat in their terrestrial stage and is connected to the surrounding suitable habitat by hedgerows and grassy fields. There is uncertainty regarding the adequacy of the Preliminary Ecological

Appraisal, particularly relating to Great Crested Newts and the omission of a standalone Great Crested Newt survey. The proposal would be contrary to policy ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2018 which aim to manage, protect, enhance and create habitats in accordance with Chapter 15 of the NPPF and Circular 06/05.

**INFORMATIVES RELATING TO THIS APPLICATION**

- 1 The decision to refuse this application was made by Planning Committee on 6th February 2019, having regard to the policies and proposals in the Local Development Plan and all relevant materials considerations, including the NPPF. Planning committee considered the application and the applicant or agent had the opportunity to speak to the committee and promote the application. Unfortunately this was not sufficient to overcome members concerns in regards to ecology and layout.



**Rebecca Saunt**

**Planning Manager**

Dated: 11th February 2019

**MAIN CASE**

**Reference No:** 18/00775/FUL

**Proposal:** Proposed demolition of existing and erection of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings and 1no. 3 bedroom dwelling fronting White Horse Lane.

**Site Address:** 51 Cannon Street Little Downham Ely Cambridgeshire CB6 2SS

**Applicant:** Mr Jason Constable

**Case Officer:** Oli Haydon, Planning Officer

**Parish:** Little Downham

**Ward:** Downham Villages  
Ward Councillor/s: Councillor Anna Bailey  
Councillor Mike Bradley

**Date Received:** 7 June 2018      **Expiry Date:** 25<sup>th</sup> September 2018  
[T104]

**1.0 RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Sample materials
- 4 Surface and Foul Water drainage
- 5 Soft landscaping scheme
- 6 Site Characterisation
- 7 Reporting of unexpected contamination
- 8 Biodiversity Improvements
- 9 Construction Environmental Management PI
- 10 Construction Times
- 11 Burning of Waste
- 12 Archaeological Investigation
- 13 Gates - restriction
- 14 New access - width
- 15 Parking & turning
- 16 Access drainage

- 17 Boundary Treatments
- 18 Landscaping Maintenance
- 19 Tree Protection Measures
- 20 Reptile Mitigation Strategy
- 21 Energy and Sustainability Strategy

## 2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks consent for the demolition of the dwelling at 51 Cannon Street and the construction of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings to the rear and 1no. 3 bedroom dwelling fronting White Horse Lane.
- 2.2 The application is a resubmission of a previously refused application 17/00667/FUL) which was subsequently appealed and dismissed.
- 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.**
- 2.4 The application was called-in to Planning Committee by Cllr Bailey 'given the number of comments raised by nearby residents and the planning history of the site'.

## 3.0 PLANNING HISTORY

3.1

17/00667/FUL	Demolition of existing dwelling and construction of 2no. four bedroom two storey detached dwellings, 4no. three bedroom one & a half storey detached dwellings and 1no. three bedroom two storey detached dwelling.	Refused (appeal dismissed)	29.06.2017
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## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises a vacant plot of land once used as an orchard located just to the south of the development boundary of the village which also forms the boundaries of the rear gardens of 49A, 49 and 51 Cannon Street. These neighbouring dwellings also occupy elevated positions, in respect of the application site, with downward sloping gardens benefiting from mature gardens and hedge growth. Part of the eastern boundary of the site is demarcated by White Horse Lane, a small cul-de-sac serving four dwellings. To the south of the site is open farmland and to the west of the site are small-scale agricultural buildings and

residential ancillary structures.

## 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.

**Little Downham Parish Council** - Little Downham Parish Council had concerns regarding this application and unanimously recommended outright refusal for the following reasons:

1. Development of the site – With the exception of the two dwellings proposed on Cannon Street, the proposal, which is predominantly backland development and outside the development envelope, would result in a loss of privacy to neighbouring dwellings, in particular, nos. 49, 49A and 55 Cannon Street and nos. 5 and 7 White Horse Lane. The proposal would significantly harm the character and appearance of the area and the living conditions of residents adjacent and opposite the development site on Cannon Street and White Horse Lane. These impacts would result in a conflict with policies LP1 and LP2 of the East Cambs Local Plan 2015 and paragraphs 17 and 58 of the National Planning Policy Framework. In addition, planning permission approved in 2017 for 27 dwellings at the east end of Cannon Street negates the need for five additional new dwelling in this rural location.
2. Parking issues – Concern was expressed that insufficient parking spaces had been allocated per dwelling to cater for future residents and visitors. Inevitably, this would result in cars being parked on the access road and on-street parking on Cannon Street, which is a busy thoroughfare used by large farm and haulage vehicles and already subject to regular parking issues. At least, the number of parking space per the number of bedroom of each dwelling would be more appropriate.
3. Site Access - The access road is considered too narrow for the anticipated number of vehicles associated with five new 2-bed and 4-bed dwellings. It is on a slope and has visibility issues to the east due to the adjacent garage of No. 49A. These issues could cause problems for drivers exiting the site, as well as access to and from the site for construction, delivery and emergency vehicles. The anticipated movement of vehicles at night would be detrimental to local residents living opposite the proposed access, as headlights would be shining through their windows. There is no allocated footway for pedestrian access.
4. Proposed dwelling on White Horse Lane – The proposed dwelling would significantly harm the outlook from No. 5 and the living conditions of the occupant due to its size and proximity. The Lane is a single track and considerably narrow. Vehicle movement is very restricted and additional vehicles on this Lane would have a detrimental effect on existing occupants of the Lane. Wheelie bins and bins bags are left on Cannon Street, as the weekly refuse vehicles are unable to venture down the Lane.



5. Loss of natural habitat – Loss of the Orchard (approximately 1.5 ha) would have had a devastating impact on the local wildlife of the area, which is sited a few hundred yards north and west of the Little Downham Local Nature Reserve, which has protected species, such as the Great Crested Newts and Bats. Does the application conform to Policy ENV7 of the Local Plan (2015) in respect of the protection of biodiversity and guidance contained within The National Planning Policy Framework (2012) in respect of undertaking of Appropriate Assessments of Habitats Directive Species?
6. Surface Water Flooding – Concerns were expressed by parishioners regarding existing flooding issues from excess surface water drainage in White Horse Lane. Although appropriate action by installing additional drainage has been taken to alleviate current concerns, albeit it still causes flooding to an adjacent field, development of this site would exacerbate the situation in the future.
7. Outside the development envelope – Although this is not a reason for refusal on its own, it is observed that four of the proposed dwellings are outside of the development envelope and plots 3 – 5 are considered as backland development. Approval of this application could set a precedent for further backland applications into the open countryside.

**Additional comments**

8. The Parish Council considered its comments following direct representations from seven local residents expressing objections in correspondence.

**Ward Councillors** – Cllr Bailey requested the application be determined at Planning Committee given the number of comments raised by nearby residents and the planning history of this site.

**Local Highways Authority** - The Highways Authority has no objections in principal to this application. The visibility splays are correct for this speed of road and are within the highway.

**CCC Growth & Development** - No Comments Received

**Minerals And Waste Development Control Team** - No Comments Received

**Environmental Health** – No objections subject to conditions relating to construction times, construction management, contamination and burning of waste.

**Waste Strategy (ECDC)** – No objections subject to informatives.

**Lead Local Flood Authority** - No Comments Received

**The Ely Group Of Internal Drainage Board** – The Board wish to see a full surface water design strategy report for the site in order to be able to fully comment on this application. The proposed discharge rate from the site should be calculated along

with how the system will be maintained in the future. The applicant will also need to ensure that the receiving watercourse has the capacity to take the proposed run-off.

**Cambridgeshire Archaeology** – No objections subject to submission of a written scheme of investigation.

5.2 **Neighbours** – Site notice posted, advert placed in the Cambridge Evening News and 29 neighbouring properties were notified and the 24 responses received are summarised below. A full copy of the responses are available on the Council's website.

- Overdevelopment
- Back-building
- Privacy impingement
- No public transport in village
- Harm to nature reserve around the village
- Great Crested Newts identified nearby
- Outside development envelope
- Access to driveway of 90A compromised
- Safety concern for horse riders and cyclists
- Visual impact
- Limited parking
- Cars would have to rev engines to climb the hill
- Headlights impacting on houses opposite site
- No requirement for further housing
- Loss of orchard
- Construction disturbance
- Would lead to cars blocking Cannon St
- Strain on White Horse Lane
- No turning or parking on White Horse Lane
- Loss of views to Cathedral
- High-density
- Out-of-keeping design
- Flooding on the site and drainage issues
- Overlooking

## 6.0 The Planning Policy Context

### 6.1 **East Cambridgeshire Local Plan 2015**

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
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements

- GROWTH 5 Presumption in favour of sustainable development
- HOU 2 Housing density
- ENV4 Energy and water efficiency and renewable energy in construction

6.2 **Supplementary Planning Documents**

- Design Guide
- Developer Contributions and Planning Obligations
- Flood and Water
- Contaminated Land SPD

6.3 **National Planning Policy Framework 2018**

- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

6.4 **Submitted Local Plan 2017**

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP22 Achieving Design Excellence
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- LP24 Renewable and Low Carbon Energy Development

7.0 **PLANNING COMMENTS**

- 7.0.1 The application seeks consent for a residential development comprising six detached residential dwellings along with access, car parking and associated landscaping following the demolition of the existing building on the site at 51 Cannon Street. Two of the dwellings would front Cannon Street with a further three built in the vacant land to the rear. A single dwelling would be constructed off White Horse Lane to the east.
- 7.0.2 The application is a partial resubmission of 17/00667/FUL that was refused in June 2017. The refusal notice was subsequently appealed and the appeal dismissed. The previous proposal sought consent for seven detached dwellings, as opposed to the six proposed in this application. The application was refused on four grounds:
1. A form of development that is out of character with the established form of development along Cannon Street.

2. Noise and disturbance associated with five additional dwellings to the rear of existing dwellings fronting Cannon Street would give rise to an unacceptable loss of residential amenity to these occupiers.
3. The scale, location and positioning of the dwelling at Plot 7 results in a significant and demonstrably harmful impact on the occupiers of the property at 5 White Horse Lane.
4. Lack of acceptable drainage information

At the appeal of the 2017 application, the planning inspector made the following conclusions:

- Plots 1 and 2 (fronting Cannon Street) would be relatively tall when viewed against the properties on the southern side of the street and set close to one another and their respective boundaries. They would be imposing and comparatively cramped additions to the street scene.
- The uniformity of the layout and appearance of the four houses (to the rear) would have a jarring visual effect that would set the appeal scheme apart from the varied appearance of surrounding development. The appeal scheme would not successfully 'feather' or visually bridge the edge of the village with the countryside beyond. The appeal scheme would significantly harm the character and appearance of the area.
- The appeal scheme would significantly harm the living conditions of the occupants of No 49A Cannon Street and Plot 2 through frequent noise and disturbance at a close proximity and the outlook from No 5 White Horse Lane.
- The appellant demonstrated that there would be an available and workable solution to managing surface water drainage that would reduce the flood risk to an acceptable levels.

7.0.3 The main considerations with the proposal are the principle of development, residential amenity, visual impact, highway safety and parking, ecology and drainage.

## 7.1 Principle of Development

7.1.1 The application site lies adjacent to the defined development boundary. The development of the site for housing would therefore conflict with Policy GROWTH 2 and LP3 of the East Cambridgeshire Local Plan 2015 and Submitted Local Plan 2017 which seeks to focus new housing development within defined settlement boundaries. However, as the council cannot currently demonstrate a five year land supply for housing, policies GROWTH 2 and LP3 cannot be considered up to date in so far as it relates to supply of housing land.

7.1.2 Due to its links and close proximity to the development envelope, the site is considered to be a sustainable location within walking distance of public transport and village facilities and with good links beyond to the larger service centres. In this respect, it is recognised that the proposal would make a positive, albeit modest, contribution towards the provision of the housing land supply in the area. In addition, its construction would provide some short term economic benefits and, within this limited this context, can be viewed as supporting the economic dimension

to sustainable development contained within the NPPF which would weigh in some small way in its favour.

## 7.2 Residential Amenity

- 7.2.1 The proposal involves the construction of two detached dwellings (Plot 1 and 2) fronting Cannon Street, three to the rear (Plot 3, 4 and 5) and one off White Horse Lane to the east (Plot 6). The access drive for the three dwellings to the rear would run between Plots 1 and 2. The parking for Plots 1 and 2 is proposed to the front of the dwellings, off Cannon Street as opposed to at the rear which was previously proposed.
- 7.2.2 The previous scheme proposed the main access road to be between Plot 2 and the neighbouring dwelling at 49A. Furthermore due to the previous parking arrangement, this road catered for six of the seven dwellings, to the significant detriment of the amenity of the residents of 49A Cannon Street and Plot 2. This was due to the access road being sloping and relatively long, leading to the revving of vehicles in low gears as residents leave the site, in close proximity to the sensitive elevation and private areas of 49A Cannon Street.
- 7.2.3 The current proposal however seeks to move the access road between Plots 1 and 2, away from the sensitive receptors at 49A. The road will now serve three dwellings as opposed to six and the side elevations of Plots 1 and 2 contain no side windows to be impacted by revving on the access road. The private amenity spaces of Plots 1 and 2 are shielded from vehicle noise by the large protruding gable-end at the rear to further protect future resident's amenity. The Planning Inspector did not consider glare from headlights on the properties opposite the site to cause significant and demonstrable harm.
- 7.2.4 The presence of the dwelling previously proposed at Plot 7, off White Horse Lane, was not considered to harmfully impact on the outlook of 5 White Horse Lane. However, it was deemed that the two-storey *rear projection* of this proposed dwelling would be disproportionate in its depth and bulky in appearance. This element would project along much of the frontage of No. 5 and harm the outlook. The resubmission has reduced this projection to single-storey and moved away from No.5 to represent a 17m separation from front elevation to the gable-end. It is considered that whilst the outlook of No. 5 continues to be impacted by the proposal, there is a similar relationship between the dwellings to the immediate east and, as stated in the appeal decision, 'Plot 7 would be stepped in from the southern boundary of the site, which could be planted with landscaping that would soften the built form of the dwelling'. A soft-landscaping scheme will be secured by condition to ensure this boundary is softened for the residents of No.5.
- 7.2.5 It is apparent that the main concerns regarding residential amenity have been addressed by a number of amendments on the previous refusal. The access road has been relocated with its usage reduced and the scale of the overbearing dwelling at Plot 6 (previously Plot 7) has been brought within acceptable levels.
- 7.2.6 The current proposal has been assessed for any additional overlooking or overbearing impact that were not previously raised through the appeal process. The impact on 55 Cannon Street is likely to be acceptable due to the lack of any

overlooking windows within Plot 1 and the rear gable element is positioned away from the neighbouring boundary to avoid any harmful overbearing. The similar situation applies between Plot 2 and 49A Cannon Street on the eastern side of the site. Any overlooking within the site itself is considered to fall within acceptable levels and appropriate plot and garden sizes have been provided in accordance with the Design Guide SPD. The proposal would avoid significant and demonstrable harm to the living conditions of nearby occupants and would avoid contravention of Policies ENV2 of the 2015 Local Plan and LP22 of the 2017 Submitted Local Plan.

### 7.3 Visual Amenity

- 7.3.1 The proposed development is comprised by three main elements, the two dwellings to the front, replacing the existing dwelling at 51 Cannon Street; the three one-and-a-half storey dwellings to the rear of these and the dwelling proposed off White Horse Lane.
- 7.3.2 The dismissed appeal concluded that the dwellings fronting Cannon Street were considered to be overly tall and set close together resulting in a cramped and imposing appearance in the varied street-scene of Cannon Street. Many of the properties in Cannon Street are detached and set in from their side boundaries. This creates spaces in-between the properties for landscaping and the occasional view of Ely Cathedral and the open countryside beyond the village. The current proposal has been reduced in height by 1.8m and the dwellings have been separated by 2.5m. The design proposed exhibits a historic and traditional style (aside from the glazed rear gable, which is obscured from view from Cannon Street). The design of the dwellings has been amended to provide variety between the two plots and contribute to the range of scales and styles present along Cannon Street. The redesigned and repositioned dwellings avoid a stark and discordant appearance within the street-scene and would avoid significant harm to the character of Cannon Street.
- 7.3.3 The three plots to the rear are of a less-traditional appearance, with the topography of the site being utilised within the design to create the illusion of a low height when viewed from the front and a sunken courtyard to the rear to encourage continued far-reaching views of the open countryside for the neighbouring residents. The dwellings would have a minimal impact in the Cannon Street street-scene and be partially visible within the gap created between Plots 1 and 2. The appeal decision stated that the presence of houses would breach the prevailing frontage pattern of development along Cannon Street. 'Nevertheless, there is built development either side of the appeal site with farm buildings to the south west and White Horse lane to the east. There is also another 'backland' site nearby to the east (Reference 16/01385/FUL). Therefore, the ditch to the south of the site can reasonably be considered a natural punctuation. Thus, housing within the central part of the appeal site need not appear as an incongruous intrusion of development into the countryside'. The previously proposed dwellings were overly dense and cramped in appearance; their positioning, layout and tight urban form limited opportunities for landscaping or localised views to soften their appearance.
- 7.3.4 The current proposal however has reduced the number of dwellings, reduced their scale and height and increased separation distances between the plots, as well as,

informalised the layout to position the dwellings at deviating angles to create an irregular form and further reduce the perception of a dense 'backland' development.

7.3.5 Plot 6, off White Horse Lane, will be 1.5 storey and with a traditional appearance. The dwelling will appear as a suitable in-fill development and maintain separation distances that are similar to the other dwellings on the lane to avoid appearing overly cramped in the wider street-scene.

7.3.6 It is considered that the visual impact of the proposed development is acceptable. The dwellings fronting Cannon Street will complement the variety witnessed within the street-scene and the uniquely designed dwellings to the rear are sympathetic to their immediate surroundings and retain the key views of the open countryside and Ely Cathedral enjoyed by the residents along Cannon Street. The dwelling proposed off White Horse Lane will appear as a form of in-fill development and respects the form and density of the dwellings along the lane. A landscaping scheme will be secured by condition and utilise the findings of the accompanying Visual Impact Assessment to further assimilate the proposal into its surroundings.

#### 7.4 Highways

7.4.1 The proposal would be served by a new access road off Cannon Street. The three dwellings to the rear would have parking/turning provided and the parking/turning for the dwellings fronting Cannon Street would be located immediately off the new access road. The access for Plot 6 would be off White Hart Lane, with parking provided off-street. The Local Highways Authority (LHA) have raised no concerns with the proposal and the majority of the dwellings would utilise a parallel parking arrangement.

7.4.2 Concerns have been raised regarding the increase in on-street parking along Cannon Street and the conflict of uses between residents and agricultural traffic using the road. As the site provides policy-compliant levels of off-street parking, these concerns would not warrant outright refusal of the application. The LHA have raised no further concerns regarding vehicle capacity of conflict of uses along Cannon Street.

#### 7.5 Ecology & Trees

7.5.1 The Trees Officer has raised no concerns with the previous proposal and the proposed removal of the trees on site, although they raised concerns regarding overall landscape impact. A landscaping and maintenance scheme shall be secured by condition as will a condition ensuring adequate tree protection measures are adhered to.

7.5.2 An ecological survey was previously submitted which concluded that the buildings, scattered trees and scrub habitats have the potential to support breeding birds. It is considered that by adhering to the timing constraints for the removal of suitable nesting bird habitat, proposed within this report, that the potential for direct disruption and adverse impacts on breeding birds at the Site can be avoided.

- 7.5.3 The site forms an extended garden area of the dwelling at 51 Cannon Street. It is reasonable to consider that a future tenant of the dwelling could mow this area and retain it as garden.
- 7.5.4 No waterbodies were identified on site and the closest record of a Great Crested Newt (GCN) was located 375m to the NE of the site. The Little Downham Local Nature Reserve is located 340m to the south and GCNs are known to be present in this site. The likelihood of protected amphibians being present on the site was considered to be low to moderate. Despite this, and considering local concerns raised during the consultation process a reptile mitigation strategy will be secured by condition to be prepared for the site.
- 7.5.5 The site has scope for significant biodiversity enhancements, including retaining and enhancing the orchard area, native species hedgerow establishment and bird and bat box provisions; the implementation of these will be secured by condition.
- 7.6 Flood Risk and Drainage**
- 7.6.1 Whilst the previous proposal was refused on grounds of inadequate surface water drainage information being submitted, as part of the appeal process significant additional information was provided and no objections were raised by the Lead Local Flood Authority. Infiltration would not be a feasible means of drainage so the submitted strategy appended to the appellant's appeal submissions would involve surface water being directed into the ditch along the southern and western boundaries of the appeal site. The ditch would act as a swale as it would store surface water. The calculations undertaken by the appellant's engineers indicate it would have sufficient capacity even when climate change is factored in. A control would be inserted before the culvert at the eastern end of the ditch so that the discharge from it could be appropriately attenuated.
- 7.6.2 The Planning Inspector was satisfied the appellant has demonstrated that there would be an available and workable solution to managing surface water drainage that would reduce the flood risk to an acceptable level. Thus, the scheme would adequately address the potential risks from surface water flooding and thus adhere to Policy ENV8 of the 2015 Local Plan, LP25 of the Submitted Local Plan 2018 and the guidance in the National Planning Policy Framework and the Flood and Water Supplementary Planning Document.
- 7.6.3 In order to ensure that this stance continues to apply, a surface water drainage scheme shall be secured by condition for scrutiny by the Lead Local Flood Authority and Internal Drainage Board.
- 7.7 Other Material Matters**
- 7.7.1 The site is located within a Mineral Safeguarding Area as identified within the CCC Minerals and Waste Core Strategy (2011). No comments have been forthcoming from CCC and as the site is relatively small is not considered commercially viable to extract the mineral from the site. The applicant has stated that minerals will be retained in situ during the development of the site. The extraction of minerals would also have a detrimental impact on the residential amenities of surrounding residents and therefore this would not be a suitable use for this edge of village site.



- 7.7.2 In order to protect residential amenity during construction, a Construction Environment Management Plan (CEMP) will be secured by condition along with a restriction on construction times and the burning of waste.
- 7.7.3 2015 Local Plan Policy ENV4 and 2017 Submitted Local Plan Policy LP24 require that developments of 5 or more homes are required to achieve Code for Sustainable Homes Level 4 (or its replacement pending implementation of the zero carbon homes requirement). An energy and sustainability strategy will be secured by condition.

7.8 **Planning Balance**

7.8.1 The proposal represents a sustainable form of development on the edge of the settlement of Little Downham. The scheme would provide five additional dwellings and a replacement of the dwelling at 51 Cannon Street. The dwellings would be built to modern, sustainable building standards and there would be a positive contribution to the local and wider economy in the short term through construction work.

7.8.2 The proposal represents a resubmission of a previous refusal on the site; the appeal of which raised a number of issues. This proposal aims to overcome these issues through amendments in the design, layout and access arrangement of the scheme. It is considered that the scheme adequately addresses residential amenity concerns raised as part of the previous scheme and would avoid contravention of Policies ENV2 of the 2015 Local Plan and LP22 of the 2017 Submitted Local Plan. Furthermore, the appearance, layout and density of the scheme has been amended to better sympathise with the surrounding rural area and the built variety seen along Cannon Street. The proposal appropriately feathers the built-edge of the village and acts as a transition between the rural and the urban. It is considered that a drainage strategy of the site can be suitably prepared prior to works commencing on site and a reptile mitigation strategy can safeguard against any harm caused to nearby protected species. The benefits of the scheme are considered to outweigh the level of harm caused and the application is recommended for approval.

8.0 **APPENDICES**

8.1 List of Conditions

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/00775/FUL	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555
17/00667/FUL	Ely	oli.haydon@eastcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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 - 18/00775/FUL Conditions

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

Plan Reference	Version No	Date Received
Location		7th June 2018
PL-5-01	A	7th June 2018
16512-TOPO A		7th June 2018
PL-4-01	A	7th June 2018
PL-3-01	A	7th June 2018
PL-3-02	A	7th June 2018
PL-3-03	B	20th June 2018
PL-3-04	B	20th June 2018
PL-4-02	A	7th June 2018
PL-2-04	B	20th June 2018
PL-2-03	B	20th June 2018
PL-2-02	A	7th June 2018
PL-2-01	A	7th June 2018
PL-1-02	A	7th June 2018
PL-1-01	A	7th June 2018
PL-0-01		7th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the walls, roof, windows and doors 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.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 No development shall take place until a scheme to dispose of surface and 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 of any dwelling
- 4 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 and LP22 and LP25 of the Submitted Local Plan 2017. 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.

- 5 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.
- 5 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 6 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.
- 6 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 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 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.

- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 8 Prior to occupation the biodiversity improvements as listed in Section 5 of the Preliminary Ecological Appraisal, prepared by MKA Ecology and dated May 2017 shall be implemented. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Proposed Submission Local Plan 2017.
- 9 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.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 10 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00-18:00 each day Monday-Friday, 08:00-13:00 Saturdays and none on Sundays, Public or Bank Holidays.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 11 No burning of waste shall take place on site during the construction or clearance phases.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 12 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.

- 12 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 13 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicle access, as shown on Drawing PL-1-02 (Rev A).
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 14 The 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.
- 14 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 15 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 16 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 16 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 17 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 first occupation of any dwelling.
- 17 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 18 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping scheme for a minimum period of five 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 implementation
- iv) details of any phasing arrangements

- 18 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 19 The tree protection measures as shown on TCP\_51CCANNONST\_2; shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 19 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017. 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.
- 20 Prior to the commencement of development, a detailed mitigation strategy outlining measures to limit the disturbance of Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority and implemented in full.
- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017. 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.
- 21 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.
- 21 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP24 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.

**MAIN CASE**

**Reference No:** 18/00775/FUL

**Proposal:** Proposed demolition of existing and erection of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings and 1no. 3 bedroom dwelling fronting White Horse Lane.

**Site Address:** 51 Cannon Street Little Downham Ely Cambridgeshire CB6 2SS

**Applicant:** Mr Jason Constable

**Case Officer:** Rebecca Saunt Planning Manager

**Parish:** Little Downham

**Ward:** Downham Villages  
Ward Councillor/s: Councillor Anna Bailey  
Councillor Mike Bradley

**Date Received:** 7 June 2018      **Expiry Date:** 11<sup>th</sup> February 2019  
**Report Number (issued by Democratic Services) [PXXX]**

1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit
- 3 Sample materials
- 4 Foul and Surface water drainage
- 5 Soft landscaping scheme
- 6 Site Characterisation
- 7 Reporting of unexpected contamination
- 8 Biodiversity Improvements
- 9 Construction Environmental Management Plan
- 10 Construction/Delivery Times
- 11 No Burning of Waste
- 12 Archaeological Investigation
- 13 Gates - restriction
- 14 New access - width
- 15 Parking & turning
- 16 Access drainage



- 17 Boundary Treatments
- 18 Soft Landscaping Maintenance
- 19 Tree Protection Measures
- 20 Method Statement Great Crested Newts and Reptiles
- 21 Energy and Sustainability Strategy
- 22 Biodiversity Management Plan

## 2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks consent for the demolition of the dwelling at 51 Cannon Street and the construction of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings to the rear and 1no. 3 bedroom dwelling fronting White Horse Lane.
- 2.2 The application is a resubmission of a previously refused application (17/00667/FUL) which was subsequently appealed and dismissed. This application was presented to Planning Committee on the 24<sup>th</sup> September 2018 and deferred to allow further discussion regarding the Ecological Survey with particular regard to the alleged presence of Great Crested Newts on or near the site. Following the deferral the applicant has submitted amended plans and additional information including:
- Reptile Survey
  - Preliminary Ecological Appraisal
  - Plans to include addition of a wildlife corridor and additional planting
  - Plan showing an amended access and clarified parking arrangement
- 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.**
- 2.4 The application was called into Planning Committee by Cllr Bailey 'given the number of comments raised by nearby residents and the planning history of the site'.

## 3.0 PLANNING HISTORY

### 3.1

17/00667/FUL	Demolition of existing dwelling and construction of 2no. four bedroom two storey detached dwellings, 4no. three bedroom one & a half storey detached dwellings and 1no. three bedroom two storey detached dwelling.	Refused	29.06.2017
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18/00775/FUL – This application was presented to Planning Committee on the 24<sup>th</sup> September 2018 and deferred to allow further discussion regarding the Ecological Survey with particular regard to the alleged presence of Great Crested Newts on or near the site.

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises a vacant plot of land once used as an orchard located just to the south of the development boundary of the village which also forms the boundaries of the rear gardens of 49A, 49 and 51 Cannon Street. These neighbouring dwellings also occupy elevated positions, in respect of the application site, with downward sloping gardens benefiting from mature gardens and hedge growth. Part of the eastern boundary of the site is demarcated by White Horse Lane, a small cul-de-sac serving four dwellings. To the south of the site is open farmland and to the west of the site are small-scale agricultural buildings and residential ancillary structures.

#### 5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees since the last application was presented to Planning Committee and are summarised below. All other consultee responses are contained within the previous Planning Committee report attached at appendix 2. The full responses are available on the Council's web site.

**Parish (19<sup>th</sup> October 2018)** – Little Downham Parish Council has concerns regarding the amended application dated 2/10/2018 and unanimously recommended outright refusal for the following reasons:

1. The amended application does not address all the concerns that the Parish Council has previously stated with this proposed development.
2. The developer should not be permitted to submit piecemeal applications. No amendments should be considered or approved until the ECDC Planning Committee's requirement of an Amphibian (Great Crested Newt) Survey has been completed, which cannot take place until Spring 2019 when the Great Crested Newts come out of hibernation in March/April.

**Parish Council (25 November 2018)** - Little Downham Parish Council had concerns regarding the amended application dated 19/10/2018 and unanimously recommended outright refusal for the following reasons:

1. The amendment does not address the concerns that the Parish Council had express previously regarding this proposed development.
2. No amendments should be considered or approved until ECDC Planning Committee receives an Amphibian (Great Crested Newt) Survey, as requested at the 24/09/18 meeting, which cannot take place until spring 2019 when Great Crested Newts come out of hibernation in March/April. The developer should not be permitted to submit piecemeal applications in the meantime.

3. The Council believes this amendment was an attempt to circumvent the planning committee's request and planning process.

4. The Reptile survey -

- Great Crested Newts are amphibians and not reptiles. This survey cannot be used as a substitute survey for Great Crested Newts.
- The Parish Council believes that the survey was not carried out during the most profitable months of activity for Reptiles, those being April, May and September, but that it was squeezed in at the beginning of the hibernation period, which is mostly October to March. Thus, it resulted in no reptiles being found during the seven visits from 04/10/18 to 12/10/18.
- There are anomalies with the survey report. Table 1 states that the 1st visit was on the 04/10/18, the 2nd was on 02/10/18 and the 7th visit was on 13/10/18 (Pages 6 & 7) and it makes reference to the site being of 7 dwellings (a previous refused application) instead of 6 dwellings (this application).
- The Parish Council questions the results of the survey because of the low and limited experience of the two surveyors (Page 7).

5. The Preliminary Ecological Appraisal -

- The appraisal makes reference that GCNs are known to be present in ponds in Little Downham Local Nature Reserve, of which the closest is 340m south of the site. The Parish Council informs that surveys carried out by Mr Terry Moore, a licensed Triturus cristatus surveyor since 1975, over the past 10 years confirms that GCNs are nesting in Holts Meadow Pond. Great Crested Newts have been seen in adjacent neighbouring properties of the development site, which strongly indicates there would be GNCs on site too. Evidence of GCNs is building up with the Wildlife Trust.
- The appraisal also makes reference to 7 dwellings (a previous refused application) instead of 6 dwellings (this application).

The Parish Council considered its comments based on members views and following direct representations from local residents expressing objections in correspondence and attending the Council's meeting.

**Parish Council (22 January 2019)** - Little Downham Parish Council had concerns regarding the amended application dated 21/12/2018 and unanimously recommended outright refusal for the following reasons:

1. The amendment does not address the concerns that the Parish Council had expressed previously regarding this proposed development, which are still relevant
2. No amendments to this application should be considered or approved by the planning authority until EDCD Planning Committee receives an Amphibian (Great Crested Newt) Survey, as requested at the 24/09/18 meeting, which cannot take place until Spring 2019 and when Great Crested Newts come out of hibernation in

March/April. The developer should not be permitted to submit piecemeal amendments/applications in the meantime.

3. There is growing evidence locally that Great Crested Newts are in neighbouring gardens to the development site and therefore, as a protected species, this amendment and the application should not be approved.

The Parish Council considered its comments following direct representations from local residents expressing objections in correspondence and attending the Council's meeting.

### **Ward Councillor Anna Bailey**

#### **Reptile Survey**

Natural England's standing advice for surveying for reptiles is that it should be carried out in April, May and September. If ecologists decide they cannot follow the standing advice, they need to include a statement with the application explaining why - one would expect such an explanation to be a justification as to why the standing advice couldn't be followed.

The Reptile Survey report states that survey visits were undertaken between 4th and 12th October, which is outside of Natural England's standing advice, a point acknowledged within the report. I find the explanation given on page 7 to be unjustified - it is more an explanation as to why the advice doesn't matter in this case than anything else! I believe the real reason is more to do with the convenience of the applicant in relation to the timing of the application rather than with trying to actually establish the presence or absence of reptiles on site, which would both assist the Local Planning Authority to reach a decision based on all material information as well as guide and design suitable mitigation measures. Given that reptiles are known to have been present on site in the past, and given that the habitat is deemed to be suitable, I don't consider the Local Planning Authority has enough information of sufficient robustness to determine the application at this time.

The report incorrectly states that the application is for 7 properties, which leads me to believe they are basing their information on the previous application. Regardless of this, the report acknowledges the NPPF requirement that planning decisions should aim to maintain and enhance, restore or add to biodiversity and geological conservation interests. The report acknowledges the suitable habitat for reptiles and acknowledges their presence in the past and nearby, yet the application does nothing towards the maintenance, enhancement, restoration or addition to biodiversity conservation interests. In fact quite the opposite is true, with the site being given over in its entirety to buildings, hard standing and gardens, none of which are suitable to support reptiles; this is purely down to the over-development and backland nature of the site, an issue which could easily be overcome with a more modest proposal solely fronting Cannon Street. The suggestion in the report that "any available area adjacent to the ditches should be planted with a mix of native species and managed in a low intensity manner to produce rough grassland..." (page 10) and the following suggestion about exploration of log piles are nothing but lip service and cannot be argued to satisfy the requirements of the NPPF in this location.

## Preliminary Ecological Appraisal

Natural England's standing advice for Great Crested Newts (GCN) states that surveys for GCNs should be carried out if:

- distribution and historical records suggest newts may be present
- there's a pond within 500 metres of the development, even if it only holds water some of the year
- the development site includes refuges (eg log piles or rubble), grassland, scrub, woodland or hedgerows

The Preliminary Ecological Appraisal acknowledges:

- records show 8 instances of GCNs within 2km of the site
- the site contains suitable habitat for GCNs
- there are multiple ponds within 500 metres of the development
- there is a pond next door with an anecdotal report of GCN presence (the report states that fish are present in this pond, but that does not eliminate the possibility of the presence of GCNs, as per the Natural England standing advice which states: "Great crested newts may be present even if: the site has been ploughed, soil stripped or had ponds filled in within the last 4 years; the breeding pond was destroyed several years ago; the pond is muddy, heavily shaded or vegetated; the pond contains fish; the pond is temporary")
- in relation to the pond next door, the report acknowledges that it cannot rule out the presence of GCNs and it also acknowledges that if the pond did have GCNs present then the outcome of the risk assessment would be red, meaning an offence would be highly likely
- Little Downham Local Nature Reserve which is 220m away from the development site supports a breeding population of GCNs (page 22)
- additional GCNs are present 375m to the north east of the development site
- page 22 references the "residual risk" of GCNs being present on site, and page 29 talks about the status of the surrounding GCN population being uncertain.

There is no justification in the report as to why the author thinks it should not have to follow Natural England's advice and carry out proper surveys for GCNs. Rather, it attempts to bypass the requirement to survey for GCNs altogether. The points above, which come from the report itself, make it absolutely clear that a full GCN survey, in accordance with Natural England's standing advice, must be undertaken before the application is determined by the Local Planning Authority to establish the presence or absence of GCNs.

Like the Reptile Survey report, this report also appraises the site on the basis of 7 dwellings, which is the old application not the new one, which only has 6 dwellings. The report references the National Planning Policy Framework 2012 - the NPPF has been revised in 2018.

In summary, I do not believe that this application currently has sufficient information for it to be determined.

**Cambs Wildlife Trust (17<sup>th</sup> December 2018)** - Further to my previous comments on the above planning application, it has now come to my attention that local

residents have reported the potential presence of great crested newts in a pond adjacent to the development. The pond in the adjacent garden was not considered suitable for great crested newts by MKA ecology, and this and other site specific factors contributed to their recommendations for a precautionary approach rather than further surveys.

However, as there is now some uncertainty and reports that newts may in fact be present adjacent to the site (and I understand there may be other nearby garden ponds which do not appear on base maps of the area as well – it would be helpful to know the locations of these), I suggest one of the following approaches may be appropriate, to ensure that no harm to newts results from the proposed development:

- Carry out additional great crested newt surveys of the garden pond(s) in 2019, followed up with mitigation recommendations as appropriate. eDNA surveys could be planned for early in the survey season, and depending on the results of these, further traditional surveys may or may not be needed.
- or
- Based on the assumption that great crested newts may be present, alter the design of the development to retain a corridor of undisturbed habitat as a refuge for newts, linking the south of the site (adjacent to other habitat areas) with the area adjacent to the garden pond.

This would be addition to recommendations 3,4 and 5 of the MKA report.

I suggest the applicant discuss this further with their ecologist, who should be able to provide updated recommendations.

I also note there were queries as to the timing of the reptile survey. This year, due to the prolonged warm weather, the season when conditions were suitable for reptiles to be active was extended and therefore I consider the survey timing was acceptable.

As per my previous comments, should permission be granted, the development should be undertaken in accordance with the recommendations in section 5 of the Preliminary Ecological Appraisal Report, in order to deliver a net gain in biodiversity. It should be noted that the proposed site plans do not currently appear to have incorporated these recommendations (in particular retention and enhancement of the orchard within the design – retaining orchard trees within private gardens will not achieve this). Therefore, revisions may be necessary to the plans to avoid a net loss in biodiversity.

**Cambs Wildlife Trust (11<sup>th</sup> January 2019)** - Further to my previous comments on the above application, I welcome the revised plan submitted which includes additional planting and incorporation of a wildlife corridor into the site layout. However, as this corridor and the previously discussed retained orchard trees are all within what will be private gardens, I remain concerned about how it will be ensured that these habitats are retained and managed in the long term, to ensure that there is no net loss in biodiversity.

I recommend that if permission is granted, a suitably worded condition(s) is attached to require the retention of the orchard trees, enhancement of the wildlife corridor area, and to prevent removal of or damage to these habitats in future. It would be helpful to have an additional written statement making clear the intentions for these areas of habitat and how they should be managed in the long term, to inform such a condition or conditions.

I also recommend that in order to retain these habitats as accessible areas for wildlife, a condition requiring fencing within the development to be permeable to wildlife (i.e. through gaps designed to allow passage of species such as great crested newts and hedgehogs).

5.2 Neighbours – 3 rounds of public consultation have taken place on the 8<sup>th</sup> and 23<sup>rd</sup> October and the 28<sup>th</sup> December 2018 and 40 neighbouring properties were notified and the 22 responses received are summarised below. Comments received prior to the previous Planning Committee can be found in the committee report, attached at appendix 2. A full copy of the responses are available on the Council's website.

#### Ecology

- How can a survey be conducted for Newts when they are hibernating?
- Inadequate and wrong timing – meaningful surveys must be undertaken;
- Threat to protected species will potentially be a wildlife crime;
- Application accepted by planners with a knowingly flawed Biodiversity Statement;
- Survey completed to satisfy developers needs and does not produce an accurate picture of wildlife/reptiles onsite;
- Survey makes reference to previous planning application and not the current one, irrelevant and should not be accepted;
- Survey conducted over short period of time (2 weeks) at start of hibernation period and not during spring/summer as stated in Natural England's guidelines;
- Wildlife survey meant placing tiles around the site to attract wildlife – as shipping containers on site, unlikely a flimsy tile will attract wildlife. Wood and rubbish piles on site will attract wildlife;
- Little Downham very active area for wildlife and should be protected from over development and backfill into the open countryside;
- Great Crested Newts were seen in the garden of No.5 White Horse Lane in October 2018;
- Undue haste and proposed solution is inadequate;
- Consideration should be deferred until outcome of a properly conducted Spring 2019 survey is known;
- Green space element of the site reduced;
- Healthy population of Great Crested Newts in area looking for suitable habitats and bearing in mind the many back gardens along the south side of Cannon Street could become areas of newt populations – this has never been investigated and a in depth survey should be carried out;
- Will remove last village historic orchard;
- Trees will be in gardens of properties – not sufficient to secure future of natural environment and nothing to stop gardens being paved or un-kept;

- A good population of newts in Holt Pond which I have been monitoring since 2008 and a good chance of occupancy of ponds along Cannon Street if the conditions of the pond are or have been right for them;
- Happy to survey the ponds and share the results;
- There are grass snakes in the area – need to be protected from any heavy machinery or toxic chemicals.

#### Highways/Parking

- Highways in the past turned down application's as didn't want any more access onto White Horse Lane – where will the cars park?
- Proposed changes to respond to adoptable standards raised at committee meeting in relation to parking and highlights the 3No. 2 bed houses are actually 3 bed properties;
- Applicant claims will reduce level of traffic on road
- Traffic calculations are flawed and will affect people living in area;
- No adequate bus service;
- Will increase amount of light and noise pollution with the internal road being in-line with lounge and bedroom windows;
- No mention of additional parking and safe access for proposed property fronting White Horse Lane;
- White Horse Lane barely capable of coping with existing traffic and additional dwelling will put unnecessary strain on road;
- Refuse collection lorry is too large to gain access to lane;
- Lane already congested and nowhere to park or turn;
- No footpath on White Horse Lane – issues with pedestrian safety;
- Property on White Horse Lane should be removed;
- Increased volume of vehicles;
- Traffic issues on Cannon Street due to incorrect parking scheme;
- Left with unadopted road and rubbish piled on the street;
- Disturbed by engines revving to get up the hill;
- Unsafe junction in Cannon Street;
- Lane not wide enough for two-way traffic;
- No visibility for cars coming out of the development;
- Access to houses 4 and 5's proposed parking appears extremely narrow and unrealistic;
- House 3 does not have a clear defined parking space;
- Insufficient parking for houses 1 and 2;
- Area highlighted for garages behind the 2 houses fronting Cannon Street;
- Who will maintain the road?

#### Other

- Original comments still remain and have not been addressed;
- Amendment should be considered as part of the full application;
- 46 permitted developments for new houses in Little Downham area, no indication of when they will be completed, why do we need more?
- Full review required by an independent body;
- Fully support comments made by neighbours and Parish Council;
- Site could be easily developed within existing development boundaries;
- No regard for the neighbourhood, village or anything else other than profit;



- Removal of 1 property does not make application any better or suitable;
- Development outside development envelope and no need for housing in Little Downham;
- If it were not for the administrative failings of ECDC the Local Plan would be adopted and planning envelopes would be enforced;
- Efforts would be far better focused on bring forward schemes already approved;
- Multiple errors and misrepresentations within application;
- Worsening outlook from rear of our property which would resemble a car park and encroachment to rear of our property;
- Backfilling and will affect Isle feel of the village from views of Ely, hardening village edge;
- Only bring a moderate economic benefit;
- Adverse impact would significantly outweigh benefits;
- No viable drainage option;
- Partly located on land used for commercial business – so change of use;
- Development will be overlooked by neighbouring properties and loss of privacy;
- Left with an open door that will spread down the whole of Cannon Street;
- Will limit views of the Cathedral from settlement edge;
- Sprawl into the countryside and intrusive on rural landscape;
- Historic Environment Team asked for a written plan to comply with NPPF – this has been ignored;
- Conflicts with ECDC policies and this should be given significant weight.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density

### 6.2 Supplementary Planning Documents

Design Guide  
 Developer Contributions and Planning Obligations  
 Flood and Water

## Contaminated Land

### 6.3 National Planning Policy Framework 2018

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

### 6.4 Submitted Local Plan 2018

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP22 Achieving Design Excellence
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

### 6.5 Planning Practice Guidance

## 7.0 PLANNING COMMENTS

- 7.1 The application seeks consent for a residential development comprising 6 detached residential dwellings along with access, car parking and associated landscaping following the demolition of the existing building on the site at 51 Cannon Street. Two of the dwellings would front Cannon Street with a further three built in vacant land to the rear, a single dwelling would be constructed off White Horse Lane to the east.
- 7.2 The report which was presented to Planning Committee on the 24<sup>th</sup> September 2018 is attached at appendix 2 of this report and covers the main considerations of the application in relation to the planning history and principle of development on the site, residential amenity, visual impact, highways safety and parking, ecology and drainage and needs to be read in conjunction with this report.
- 7.3 This report covers the amendments which have been made to the scheme following the deferral at Planning Committee to allow further discussion regarding the Ecological Survey with particular regard to the alleged presence of Great Crested Newts on or near the site and the subsequent comments received as part of the consultation process.
- 7.4 Following the committee deferral amended plans have been received which include the creation of a wildlife corridor connecting the site from east to west and additional planting proposed within the site, following comments received from the Wildlife

Trust. Amendments have also been made to the access road to the rear of the site and the applicant has indicated the car parking spaces for the three units and also introduced a visitor space here as well following comments that were made at the previous Planning Committee meeting.

- 7.5 The applicant has also submitted a Reptile Survey and a Preliminary Ecological Appraisal for the site. All of the information submitted in respect of ecology and biodiversity has been extensively discussed with the Wildlife Trust.

#### **Reptile Survey**

- 7.6 The Reptile Survey submitted concludes that no reptiles were found during the survey. However, there are records of reptiles which have been returned from the local records centre and sightings of grass snakes have also been reported by local residents. Therefore there remains a residual risk that reptiles may be present on site. All reptile species are protected by the Wildlife and Countryside Act 1981 and to minimise the risk of harming or killing individuals, a method statement detailing a destructive search will need to be produced and this can be secured by condition. In accordance with the NPPF further enhancements to the design of the overall proposal to try and minimise the impact of the development on the local reptile populations have been recommended in the report and these can be secured by condition.
- 7.7 The Reptile Survey does not cover great crested newts as they are amphibians and not reptiles and at no point has the applicant claimed that this survey is a substitute survey for great crested newts. A lot of comments have been received in relation to the timings of the survey as well and how it has not been undertaken in the months outlined in Natural England's Standing Advice. This has also been raised with the Wildlife Trust and they have advised that due to the prolonged warm weather last year, the season where conditions are suitable for reptiles to be active was extended and therefore they consider the timing of the survey to be acceptable.
- 7.8 The survey does refer to the incorrect number of dwellings proposed. However, this does not impact the outcomes of the survey.

#### **Preliminary Ecological Appraisal**

- 7.9 A Preliminary Ecological Appraisal has also been submitted by the applicant. The site consists of vegetation, grassland, scattered trees/orchard, scrub, buildings and hardstanding and is bordered by residential housing, a stable block, a dry ditch, hedgerow and fields. It is considered that the habitats found within the site could potentially support protected species groups, including nesting birds, reptiles and great crested newts.
- 7.10 An ecological desktop study was completed and data provided to the ecologists by Cambridgeshire and Peterborough Environmental Records Centre, which identified a small number of UK and European protected species, species and habitats of principal importance and species of conservation concern within 2km of the site. The data search returned one record of a protected or notable invertebrate within 2km of the site. However, the site did not contain the species common food plant and is therefore considered highly unlikely to support this butterfly species. A total of seven species of birds were recorded during the visit and some of these have the potential to utilize the site for breeding and overwintering. The site contains suitable

breeding bird habitats including scattered trees and therefore the use of the site by breeding birds is considered to be high. However, the report concludes that the likelihood of the site to support important assemblages of bird species, or protected bird species is considered to be negligible.

- 7.11 No records of badger were returned and no evidence of badgers were recorded on site. The building on site is not considered to be suitable to support roosting bats. However, one immature tree could have the potential to support roosting bats and is located just outside the site boundary, on the south side of the dry ditch. Overall the site is considered to provide moderate foraging potential for bats, with the grassland, scrub and fruit trees providing invertebrate foraging opportunities. The site also provides limited commuting potential for bats, with few linear features present. The report concludes that the overall site has low commuting potential, although is well connected to suitable surrounding habitat. The data search also returned one record of a water vole 1.7km east of the site. The ditch which borders the site is currently dry and therefore not suitable habitat for water voles. In 2017 when a previous survey was carried out this ditch was wet and was searched for evidence of water vole, but none was found. Therefore the report concludes that the likelihood of the site to support water vole or otter is negligible. A hedgehog was found nesting on the site and therefore the presence of this protected species is confirmed on the site.
- 7.12 The data search carried out by the ecologists returned eight records of great crested newts within 2km of the site, the closest of these records being 375 metres to the north east. No waterbodies were identified on the application site. The ecologists consulted Ordnance Survey maps and aerial photographs to locate standing waterbodies within 500 metres of the application site. Eleven waterbodies were identified. A garden pond located in an adjacent property was reported to contain great crested newts. The ecologists have confirmed that this pond was not surveyed but appeared to contain fish, have steep sides and limited vegetation and therefore did not provide suitable habitat for great crested newts.
- 7.13 The report concludes that the grassland, ruderal and scrub habitats on site are considered to provide suitable habitat for great crested newts in their terrestrial stage and these are connected to the surrounding suitable habitat by hedgerows and grassy fields. Therefore the overall likelihood of protected amphibians being present on the site is considered to be low to moderate and does caveat that with if they are present in the adjacent property then the risk would be higher.
- 7.14 The Wildlife Trust has reviewed the documents submitted and also the comments which have been received from the Parish Council and neighbours. As there is some uncertainty and reports that newts may in fact be present adjacent to the site the Wildlife Trust advised that the applicant should either carry out additional great crested newt surveys or based on the assumption that great crested newts may be present, alter the design of the proposal to retain a corridor of undisturbed habitat as a refuge for newts, linking the south of the site (adjacent to other habitat areas) with the area adjacent to the garden pond. The applicant submitted amended plans to introduce a corridor of undisturbed habitat, which the Wildlife Trust have reviewed and commented on and welcomed the revised plan. However, they did raise some concerns that these would be within private ownership and how would it be ensured that these habitats are retained and managed in the long term, to ensure that there

is no net loss in biodiversity. The Wildlife Trust has recommended a number of conditions, including the retention of the orchard trees, enhancement of the wildlife corridor area, fencing to be permeable to wildlife and also that the recommendations within the report are adhered to.

7.15 The applicant discussed this with their ecologist who has stated:

*“The area designated as the wildlife corridor will provide naturalised habitats for a range of species, including great crested newt. Given the local history and habitat types that are present in the area an orchard habitat will be created along this corridor. This will enhance the site’s biodiversity, and also provide an attractive feature for residents. The area will be planted with a range of fruit trees (ideally local varieties) and seeded with a high species diversity wildflower mix. Management will mirror that of a traditional orchard with the added focus of improving and maximising the species diversity of the grassland below. Flowers will be allowed to set seed before cutting and arisings will be removed from the site to prevent crowding of wildflowers and build-up of nutrients.*

*It may be useful to provide further comfort to offer a biodiversity management plan to be conditioned. This is fairly common on development sites and would specify how habitats are created, location of bird and bat boxes, and how the biodiversity features will be managed in the long term.”*

The Wildlife Trust has advised that this provides the basics and the Biodiversity Management Plan would secure the detail. A reptile and great crested newt method statement will also need to be produced by the applicant prior to the commencement of development to minimise any impact and if a great crested newt is found during works then work must stop immediately and the ecologist or Natural England contacted as a European Protected Species license will have to be obtained. This condition alongside the ones referenced above are all recommended condition and can be read in appendix 1 of this report.

7.16 The Preliminary Ecological Appraisal contains a number of recommendations including bat boxes/bricks, bird boxes, planting of native species, timings for ground clearance and vegetation and building clearance and a condition is recommended to ensure that the development is carried out in accordance with these recommendations. A condition is also recommended that the boundary treatments shall be permeable to wildlife and include through gaps designed to allow passage of species, including great crested newts and hedgehogs, to maintain connectivity across the site.

7.17 Policy ENV7 of the adopted Local Plan 2015 LP30 of the Submitted Local Plan aim to manage, protect, enhance and create habitats. The NPPF states that when determining planning applications if significant harm to biodiversity resulting from the development cannot be avoided, adequately mitigated, or as a last resort compensated for then planning permission should be refused. Following the submission of the reports and the amended plans and extensive discussions with the Wildlife Trust it is considered that the proposal adequately mitigates against the impacts of the proposal and a net gain in biodiversity can be secured by the recommended conditions.

## **Highways and Parking**

- 7.18 A number of comments have been received as part of the re-consultation in relation to highways and parking for both the access and dwellings using Cannon Street and the one dwelling using White Horse Lane. The proposal complies with the parking standards of the Adopted Local Plan and does not include any tandem parking. The Local Highway Authority has also raised no objections to the proposal and advised that the visibility splays are correct for the speed of the road and are located within the highway for both Cannon Street and White Horse Lane.

### **Other Matters**

- 7.19 A view or outlook is not a material consideration and therefore cannot be considered as part of the assessment of an application.

All other matters in relation to the principle of development, residential amenity, visual amenity, flood risk and drainage and other material matters are covered in the initial report attached at Appendix 2.

### **Planning Balance**

- 7.20 The benefits of the scheme have been considered in respect of the three overarching objectives in achieving sustainable development, which are Social, Economic and Environmental (NPPF para 8), the benefits of the scheme would have social and economic dimensions.
- 7.21 The social benefits of the scheme is the provision of 5 additional dwellings that would add to the District's housing stock and provide additional dwellings towards the Council's supply of deliverable housing land. The proposal also includes the replacement of an existing dwelling which will be built to modern standards. Due to the size of the scheme the overall benefit on terms of housing supply is limited, however, this needs to be given due weight in the consideration of the tilted balance. The scheme would also result in 5 additional households in the locality which would provide some benefits in terms of the viability of local services and facilities.
- 7.22 The economic benefits of the scheme include the construction of the dwellings which in itself brings temporary economic benefits, including employment gains. As these would be temporary in nature, the economic benefits of the scheme are afforded limited weight. There will be a beneficial impact on the local economy in terms of the use of local services and facilities and the increase in population may also contribute to the local labour market.
- 7.23 There is also some potential for environmental benefits from the proposal in terms of ecological enhancements.
- 7.24 A lot of concerns have been raised by residents in relation to the biodiversity and ecology implications. The application was deferred at Planning Committee to address this and the applicant has submitted subsequent surveys and amended the scheme to include a wildlife corridor, following discussions with the Wildlife Trust as an alternative to submitting further surveys in the spring time. The Wildlife Trust are satisfied with the proposals and it is considered that they comply with the relevant policies and the NPPF. Whilst this may be considered an adverse impact of the scheme this has to be weighed against the benefits of the proposal.

7.25 The site is situated adjacent to the development boundary and due to its links and close proximity is considered to be in a sustainable location, within walking distance of village facilities and public transport, with links to larger service centres. Given the lack of a 5 year housing land supply and the need it is considered that the benefits of the proposal outweigh any adverse impacts and the proposal is not considered to be significantly and demonstrable harmful and is therefore recommended for approval.

## 8 APPENDICES

Appendix 1 – Recommended Conditions

Appendix 2- Committee Report from 24<sup>th</sup> September 2018

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/00775/FUL	Rebecca Saunt Room No. 011 The Grange	Rebecca Saunt Planning Manager 01353 665555
17/00667/FUL	Ely	rebecca.saunt@eas tcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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 - 18/00775/FUL Conditions

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

Plan Reference	Version No	Date Received
Reptile Survey		19th October 2018
Ecological Appraisal		19th October 2018
PL-1-01	C	21st December 2018
PL-1-02	C	21st December 2018
Location		7th June 2018
PL-5-01	A	7th June 2018
PL-3-02	A	7th June 2018
16512-TOPO A		7th June 2018
PL-4-01	A	7th June 2018
PL-3-01	A	7th June 2018
PL-3-03	B	20th June 2018
PL-2-03	B	20th June 2018
PL-3-04	B	20th June 2018
PL-4-02	A	7th June 2018
PL-2-04	B	20th June 2018
PL-2-02	A	7th June 2018
PL-2-01	A	7th June 2018
PL-0-01		7th June 2018

- 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 construction shall take place on site until details of the walls, roof, windows and doors 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.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 4 No development shall take place until a scheme to dispose of surface and 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 of any dwelling.
- 4 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 and LP22 and LP25 of the Submitted Local Plan 2018. 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.

- 5 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 soft landscaping schedule shall be in accordance with the details approved in the Biodiversity Management Plan (condition 22) and recommendation 2 in the Retile Survey by MKA Ecology. 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.
- 5 Reason: To assimilate the development into its surroundings and to protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Proposed Submission Local Plan 2018.
- 6 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.
- 6 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 and LP26 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 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.

- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018.
- 8 The recommendations as listed in Section 5 of the Preliminary Ecological Appraisal, prepared by MKA Ecology and dated 19 October 2018 shall be adhered to and implemented in accordance with the timeframes within the Appraisal. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Proposed Submission Local Plan 2018.
- 9 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.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 10 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, 7:30-13:00 Saturdays and none on Sundays, Public or Bank Holidays.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 11 No burning of waste shall take place on site during the construction or clearance phases.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.

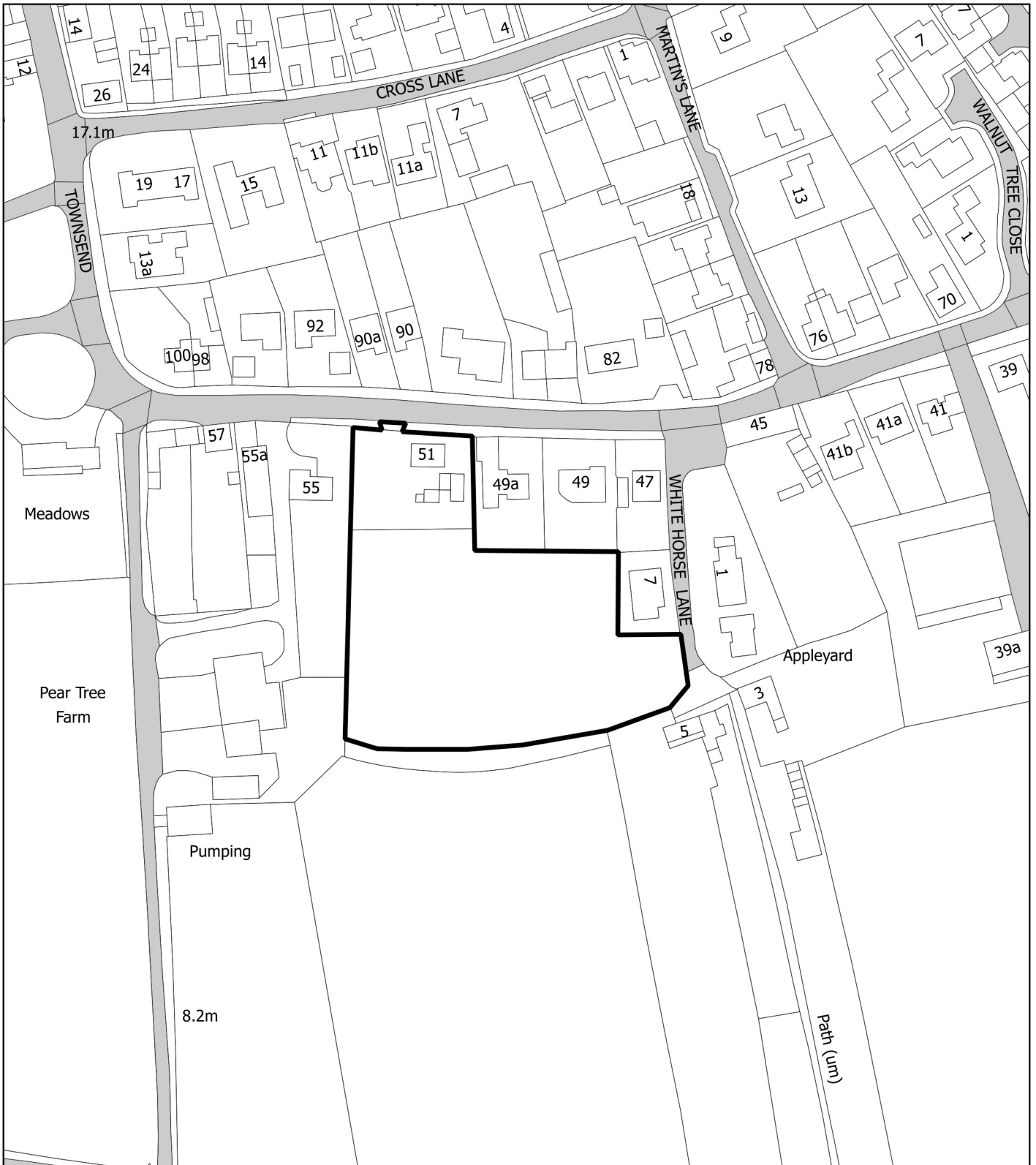
- 12 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 12 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 13 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicle access, as shown on Drawing PL-1-02 (Rev C).
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 14 The 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.
- 14 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 15 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 16 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 16 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2018.
- 17 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 first occupation of any dwelling. The boundary fencing shall be permeable to wildlife and include through gaps designed to allow passage of species including great crested newts and hedgehogs.
- 17 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018. To protect and enhance species in accordance

with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.

- 18 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping scheme (in accordance with the Biodiversity Management Plan (condition 22) and recommendations of the Ecological Appraisal by MKA Ecology dated 19 October 2018) for a minimum period of ten 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 implementation
  - iv) details of any phasing arrangements
- 18 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018. To protect and enhance species and deliver a net gain in biodiversity in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 19 No development shall take place until a scheme for the protection during construction of the trees on the site to ensure the retention of the orchard trees, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 19 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area and protect biodiversity, in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP22, LP28 and LP30 of the Submitted Local Plan 2018. 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.
- 20 Prior to the commencement of development, a detailed reptile and great crested newt method statement shall be submitted to and approved in writing by the Local Planning Authority and implemented in full. The method statement shall be created by a suitably qualified ecologist and include methodology for a destructive search under an ecological watching brief and will instruct construction staff on ecologically safe working practices specific to the site and the development which will minimise the risk of disturbing,

injuring or killing any reptiles or great crested newts if they are present onsite during the works.

- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017. 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.
- 21 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.
- 21 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP24 of the Submitted Local Plan 2018. This condition is pre-commencement as some of the measures may be below ground level.
- 22 Prior to the commencement of development a Biodiversity Management plan based on the information provided by MKA Ecologist in an email dated 15 January 2019 shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan will include details of the enhancement of the wildlife corridor as shown on Drawing No. PL-1-01 Rev C and set out how the removal or damage to these habitats will be prevented.
- 22 Reason: To protect and enhance species and deliver a net gain in biodiversity in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018. 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.



19/00519/FUL

51 Cannon Street  
Little Downham



East Cambridgeshire  
District Council

Date: 21/08/2019  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 19/00544/FUL

**Proposal:** Construction of 1no. 3 bed house with associated external amenity spaces, landscaping, parking and access arrangements

**Site Address:** Site South Of 7 White Horse Lane Little Downham  
Cambridgeshire

**Applicant:** Mr Jason Constable

**Case Officer:** Angela Briggs, Planning Team Leader

**Parish:** Little Downham

**Ward:** Downham  
Ward Councillor/s: Anna Bailey

**Date Received:** 11 April 2019      **Expiry Date:** 11<sup>th</sup> September 2019  
[U53]

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1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Sample materials
- 4 Foul and Surface water drainage
- 5 Soft landscaping Scheme
- 6 Site Characterisation
- 7 Reporting of unexpected contamination
- 8 biodiversity improvements
- 9 Construction times
- 10 Piling foundations
- 11 No burning of waste
- 12 Archaeological Investigation
- 13 Gates - restriction
- 14 Parking
- 15 Access drainage
- 16 Boundary Treatments
- 17 Soft landscaping Maintenance
- 18 Tree protection

- 19 Sustainable development - Full
- 20 biodiversity management plan
- 21 Hard landscaping scheme

## 2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks planning consent to erect 1no. 3 bedroom dwelling on land adjacent to No.7 White Horse Lane. The dwelling would be one a half storey with a single storey wing to the rear, and accessed from White Horse Lane. The dwelling would have off-street parking for 2no. cars, bin storage, and would incorporate on-site biodiversity enhancements comprising a hibernacula and a wood pile area as part of a comprehensive soft landscaping scheme.
- 2.2 The dwelling also forms part of a broader development currently being considered under Ref: 19/00519/FUL for the retention and refurbishment of 51 Cannon Street and 3no additional dwellings to the rear of nos. 51, 49 and 49A Cannon Street.
- 2.3 There is no significant planning history for this site alone. However, as the site forms part of a broader development proposal, the history of the larger site is relevant. Planning application Ref: 17/00667/FUL (see details in section 3) was refused and the appeal was dismissed. Details of this application can be found below in section 3 under Planning History. I attach a copy of the appeal decision as Appendix 2. A further application was submitted, Ref: 18/00775/FUL (see details in section 3) which was also refused by Planning Committee and is currently subject of an appeal. I attach a copy of the decision notice as Appendix 3.
- 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 The application was called into Planning Committee by Cllr Bailey due to concerns raised by neighbours.

## 3.0 PLANNING HISTORY

3.1

17/00667/FUL	Demolition of existing dwelling and construction of 2no. four bedroom two storey detached dwellings, 4no. three bedroom one & a half storey detached dwellings and 1no. three bedroom two storey detached dwelling.	Refused	29.06.2017
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This application was appealed and the appeal was dismissed.



18/00775/FUL      Proposed demolition of existing  
And erection of 2no. 4 bedroom  
Dwellings fronting Cannon Street,  
3no. 2 bedroom dwellings and 1no.  
3 bedroom dwelling fronting White  
Horse Lane

Refused

11.02.19

This application is subject of  
a current appeal.

#### 4.0      THE SITE AND ITS ENVIRONMENT

4.1      The site is south of no.7 White Horse Lane, which is a single storey dwelling. The site is situated just outside of the development framework of Little Downham and is not within the Mineral Safeguarding Area (MSA). The site is currently vacant but, at the time of my site visit, remnants of an orchard was evident. The site is accessed from White Horse Lane which is a single track lane and slopes down from Cannon Street. White Horse Lane is characterised by detached dwellings on either side of the track and has variety in terms of design and appearance. There are 6 dwellings accessed off White Horse Lane. The area beyond the site, to the west, is very similar and was formerly an orchard. Nos. 4 and 5 White Horse Lane sit at the end of the Lane and creates a natural visual stop. No.3 is tucked to the South-East of the Lane. The surrounding area is agricultural fields.

#### 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 - 7 June 2019

Little Downham Parish Council had concerns regarding this application and unanimously recommended outright refusal for the following reasons:

**1. Development of the site** – The proposed dwelling would significantly harm the outlook from No. 5 and the living conditions of the occupant due to its size and proximity, which would have an overbearing appearance due to the steep incline of the Lane. The Lane is a single track and considerably narrow. Vehicle movement is very restricted and additional vehicles on this Lane would have a detrimental effect on existing occupants.

**2. Parking issues** – There is insufficient proposed parking provision for the proposed three bedroomed dwelling. Garages are rarely used for parking a car, therefore only one parking space is available. Inevitably cars would have to be parked on Cannon Street, which is a busy thoroughfare used by large farm and haulage vehicles and already subject to regular parking issues. Quite often, for example, a three bedroomed property can have four adults living there who each own a vehicle.

**3. Loss of natural habitat** – The loss of the trees and shrubs has had a devastating impact on the local wildlife of the area, which is sited a few hundred yards north west of Little Downham Local Nature Reserve and a local habitat to protected species such as the Great Crested Newts and Bats. The Parish Council was concerned to be informed of the wilful use of chemicals being sprayed on the development site on at least four occasions and the detrimental effect it would have on any remaining vegetation and local wildlife, in particular, the Great Crested Newts of which an Amphibian Survey was due to be carried out in the Spring of 2019. It is understood that overspray has caused adjacent plants to suffer and die. It is questioned whether the application, and subsequent actions of the applicant, conforms to Policy ENV7 of the Local Plan (2015) in respect of the protection of biodiversity and guidance contained within The National Planning Policy Framework (2012) in respect of undertaking of Appropriate Assessments of Habitats Directive Species?

**4. Surface Water Flooding** – Due to the loss of the Orchard trees and vegetation from the development site, concerns were expressed regarding existing flooding issues that would be exacerbated southwards from the development of this site to No. 5 White Horse Lane.

**5. Outside the development envelope** – Although this is not a reason for refusal on its own, the proposed dwelling on White Horse Lane is outside of the development envelope. With the development of 27 dwellings beginning at the east end of Cannon Street, it negates the need for a new dwelling in this narrow rural location.

**6. Change of land use** – It has come to the Parish Council's attention that there has been no application for the change of use of land from arable to residential. In effect, any spraying of the land should be recorded in order to comply with legislation. Is there any record of this being done?

**7. Amendment dated 20/05/2019 – Submission of Reptile Survey** – The survey submitted is dated October 2018 and was submitted with a previous application that was refused. The Parish Council is waiting for a copy of the Amphibian Survey that was requested by East Cambs Planning Committee to be carried out in 2019 when the Great Crested Newts were out of hibernation.

#### **Additional comments**

**8.** The Parish Council considered its comments following direct representations from local residents expressing objections in correspondence and attending the council meeting.

#### **Comments received 22<sup>nd</sup> July 2019 following further ecology reports:**

Little Downham Parish Council had concerns regarding this application and unanimously recommended outright refusal for the following reasons:

**1. Development of the site** – The proposed dwelling would significantly harm the outlook from No. 5 and the living conditions of the occupant due to its size and proximity, which would have an overbearing appearance due to the steep incline of the Land. The Lane is a single track and considerably narrow. Vehicle movement is

very restricted and additional vehicles from a new dwelling would have a detrimental effect on existing occupants. There is no provision for on-site turning. Additional wheelie bins and bins bags would have to be left on Cannon Street, as the weekly refuse vehicles are unable to venture down the Lane.

**2. Parking issues** – There is grossly inadequate proposed parking provision for this three bedroomed dwelling. Garages are rarely used for parking a car, therefore only one parking space is available. As cars are unable to park in the lane, inevitably they would have to be parked on Cannon Street, which is a busy thoroughfare used by large farm and haulage vehicles and already subject to regular parking issues. For a three bedroomed property, there is the potential for four adults to live there and each own a vehicle.

**3. Great Crested Newt and Reptile Impact Assessment: Proposed Development of Single Dwelling to South of White Horse Lane, Lt Downham dated June 2019** - The Council was pleased to read that there were positive results and three GCN were recorded, despite the devastating loss of the Orchard vegetation.

**4. Loss of natural habitat** – The loss of the trees and shrubs in the Orchard has had a devastating impact on the local wildlife of the area, which is sited a few hundred yards north west of Little Downham Local Nature Reserve and a local habitat to protected species such as the Great Crested Newts and Bats. The Parish Council was concerned to be informed of the wilful use of chemicals being sprayed on the development site on at least four occasions and the detrimental effect it would have on any remaining vegetation and local wildlife, in particular, the Great Crested Newts of which an Amphibian Survey was due to be carried out in the Spring of 2019. It is understood that overspray has caused adjacent plants to suffer and die.

It is questioned whether the application, and subsequent actions of the applicant, conforms to Policy ENV7 of the Local Plan (2015) in respect of the protection of biodiversity and guidance contained within The National Planning Policy Framework (2012) in respect of undertaking of Appropriate Assessments of Habitats Directive Species?

**5. Surface Water Flooding** – Due to the loss of the Orchard trees and vegetation from the development site, concerns were expressed regarding existing flooding issues that would be exacerbated southwards from the development of this site to No. 5 White Horse Lane.

**6. Outside the development envelope** – Although this is not a reason for refusal on its own, the proposed dwelling on White Horse Lane is outside of the development envelope.

With the development of 27 dwellings beginning at the east end of Cannon Street, it negates the need for a new dwelling in this narrow rural location.

**7. Change of land use** – It has come to the Parish Council's attention that there has been no application for the change of use of land from arable to residential. In effect, any spraying of the land should be recorded in order to comply with legislation. Is there any record of this being done?

**8. Amendment dated 19/06/2019 – Arboricultural Impact Assessment and Method Statement dated June 2019** – The report states that the site was inspected on 28/03/2017 and all arboricultural data contained in the report was recorded at that time. It is understood that the applicant removed the orchard trees and shrubs later in 2017. It is believed that the report submitted with this application is not correct because the trees referred to in the report have since been cut down and removed.

**Additional comments**

**9.** The Parish Council considered its comments following direct representations from local residents expressing objections.

**Ward Councillors** - No Comments Received

**Cambs Wildlife Trust** - 24 May 2019

I have reviewed the Reptile Survey report provided with the above planning application and am satisfied with the conclusions and recommendations pertaining to reptiles. However, the reptile report refers to a Preliminary Ecological Appraisal (PEA), which has not been provided – this should be supplied in order to assess potential impacts on other ecological receptors. In addition, the reptile report (and PEA) relate to a previous, larger proposal (ref 18/00775/FUL) and it is unclear whether the previous ecological reports are still relevant to the current proposals (it is best practice for an ecological assessment to assess the impacts of the specific proposed development) and whether previous ecological issues raised have been resolved. Further information regarding specific ecological impacts of the current proposal should be provided before this application is determined.

**Comments received 22<sup>nd</sup> July 2019 following further ecology reports:**

Further to my previous comments on the above application I welcome the additional Great Crested Newt and Reptile Impact Assessment Report (Greenwillows Associates, June 2019).

I consider that the recommendations of this updated report are appropriate and if permission is granted, these should be required by way of a suitably worded planning condition(s) (alongside other biodiversity measures already outline by MKA ecology, see comments in section 6.0 of the Greenwillows report). As noted by Greenwillows, this should include production of and adherence to a detailed Construction Environmental Management Plan prior to any further site clearance/development. I note that a European Protected Species licence will be required and also recommend that should permission be granted, there is a condition requiring a copy of this licence to be submitted to East Cambridgeshire District Council, to ensure details of appropriate mitigation have been agreed with the relevant licensing body.

**Natural England** - 28 May 2019

Natural England has no comments to make on this application.

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>

**Cambridgeshire Archaeology** - 7 May 2019

Our records indicate that the site lies in an area of high archaeological potential, situated on the fringe of the planned medieval village core. In addition, the spur of high ground on which Little Downham is situated lies on the fen edge and is likely to have been attractive to earlier settlers, as evidenced by finds of Mesolithic and Bronze Age material from the area.

We have commented adjacent applications in recent years. We would recommend that the same archaeological standard condition is placed on the development as was recommended for prior applications (19/00519/FUL, 18/00775/FUL, 17/00667/FUL) 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.

A brief for the archaeological work can be obtained from this office upon request.

**Local Highways Authority** - No Comments Received

**CCC Growth & Development** - No Comments Received

**Minerals And Waste Development Control Team** - No Comments Received

**ECDC Trees Team** - 23 May 2019

There have been no details submitted regarding the few trees remaining on site any trees to be retained should be added to a plan.

Due to the removal of trees from this ancient orchard site prior to the submission of this application, a high quality soft landscaping scheme will be required which should link to the sites former use with fruit trees an integral part of the scheme. In order to assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

**Comments received after Arboricultural report submitted – 11<sup>th</sup> July 2019:**

The submitted Arboricultural Impact Assessment and Method Statement is acceptable and its compliance should be conditioned.

A high quality soft landscaping scheme will still be required which should link to the sites former use with fruit trees an integral part of the scheme. In order to assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

**Waste Strategy (ECDC) - 14 May 2019**

No objection subject to an informative to advise of waste and recycling provision and requirements.

**The Ely Group Of Internal Drainage Board - 10 May 2019**

Object until further details of surface water disposal are received.

**Comments received after additional details provided – 22<sup>nd</sup> May 2019:**

Having reviewed both applications together, I can see that the drainage for the single property (19/00544/FUL) has been accounted for in application 19/00519/FUL.

Therefore, the Board is happy to lift their original objection to planning application 19/00544/FUL.

The Board recommends the following:-

- The applicant should establish if the proposed receiving watercourse has the capacity to accept the proposed flow.
- The applicant should submit a maintenance plan for the on site surface water features.

The Board would wish to see a condition in relation to surface water imposed on this site, so the full design can be approved before building work commences.

5.2 **Neighbours** – 8 neighbouring properties were notified and the responses received are summarised below. A site notice was posted and an advert in the Cambridge

Evening News. A full copy of the responses are available on the Council's website.

- Access from White Horse Lane is inadequate;
- There is no parking and turning facility;
- Pedestrian safety as there is no footpath;
- No visitor parking provision;
- Can block in existing residents;
- Additional traffic will make the Lane worse;
- Over-development of the site;
- Height of the proposed dwelling with cause over-shadowing and be over-bearing;
- Over-looking from windows;
- Loss of light;
- Excess water run off down the Lane/risk of flooding;
- Area south of the site is very wet and holds standing water during the winter months;
- Site is outside the development framework;
- Ecological implications;
- Landscape Impact;
- Affects street scene and public views;

## 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 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
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

- 5 Delivering a sufficient supply of homes
- 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

### 7.0 PLANNING COMMENTS

#### 7.1 **Principle of Development**

7.2 The site is situated outside and on the edge of the development framework where it is normally unacceptable to allow housing, unless in exceptional circumstances where the need can be demonstrated, such as for affordable housing or a dwelling in connection with a rural operation. This does not fall within those categories and as such would not be supported under Policy Growth 2 of the East Cambridgeshire Local Plan, 2015. However, the Council cannot demonstrate that it has a 5 year housing land supply and as such this policy is considered to be out of date. Paragraph 11 of the NPPF, 2019 is relevant and states:

*“Decisions should apply a presumption in favour of sustainable development 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”*

7.3 This tilted balance is therefore triggered in this case and the proposal should be assessed against the three over-arching objectives: Social, Economic and Environmental roles.

7.4 In terms of the social role, the proposal would bring limited benefits other than resulting in an additional dwelling for the local housing stock and is located close to the village centre where walking is feasible over the use of the private vehicle, thus making it a sustainable location for a dwelling. In terms of the economic role, it would create short term employment opportunities during the construction phases. In terms of the environmental role, this proposal would bring forward on-site biodiversity enhancements which is considered positive and is supported by the Council. The proposal must also be considered against the other planning material considerations which will be discussed in more detail throughout this report.

7.5 It is considered that in terms of the principle of development, the proposal is acceptable and complies with the aims and objectives of Policies Growth 2 and Growth 5 of the East Cambridgeshire Local Plan, 2015 and the NPPF, 2019.

#### 7.6 **Residential Amenity**

7.7 The proposed dwelling would be positioned roughly in-line with the adjacent dwelling at no.7 White Horse Lane and centrally towards the front of the site. A single storey wing is proposed to the rear of the dwelling. In terms of dimensions, the proposed dwelling would measure 11.7m wide, 5.4 in depth (11.2m with the rear



wing element) and 6.6m in height. The design is considered to be traditional and would not detract from the existing character of White Horse Lane or this part of the village. 3no small dormer windows would be located to the rear and front roof slopes. The dwelling would incorporate an integral garage.

- 7.8 The proposed dwelling would be 13m from the flank wall of no.7 White Horse Lane and 13m from the frontage on no.5 White Horse Lane, to the south. This is more than the 10m recommended figure stated within the Design Guide SPD and relates to window-to-window relationship. In terms of residential amenity, the main dwellings that would be affected by the proposed dwelling are no. 7 White Horse Lane and nos. 4 and 5 White Horse Lane.
- 7.9 The design of the dwelling has been amended following the appeal decision. The Inspector, in the appeal decision for 17/00667/FUL, considered that this plot was over-dominant and over-bearing on no.5 White Horse Lane and that it harmed its outlook and therefore had a poor relationship. The proposed dwelling, subject of this application, is smaller and less bulky than the previous proposal (0.2m lower in height, and reduces rear extension from two storey to single storey). In terms of over-looking and appearing over-bearing, it is considered that the proposed dwelling has been designed to overcome these impacts. The dormer window on the northern end of the rear slope would serve an en-suite bathroom and as such the window would be obscured glazed. There are no windows on either flank elevations at first floor level that would otherwise introduce any over-looking. In terms of over-bearing, the dwelling would be 6.6m in height, which, although would be higher than the no.7 White Horse Lane, would not appear significantly over-bearing to warrant refusal of the application on this basis. To the north of no.7 White Horse Lane there is a distance of approximately 18m between the dwelling and no.47 Cannon Street and as such it is not considered that by introducing a dwelling in this location would result in a cramped form of development for either existing or future occupiers.
- 7.10 It is acknowledged that the outlook of nos. 4 and 5 White Horse Lane would be altered by the proposed dwelling. However, it is considered that by virtue of the design and distances between the existing and proposed dwelling, the proposed dwelling would not have a significant adverse impact on the amenities of nos. 4 and 5 White Horse Lane to warrant refusal on the application on this basis. The single storey rear wing would have a minimal impact on neighbouring properties and would not cause any over-looking.
- 7.11 In terms of residential amenity for future occupiers, the proposal would offer a good garden area to the rear, and space around the building, and would not be compromised by existing neighbouring properties in terms of over-looking. Internally, the proposed dwelling would offer a good standard of living accommodation.
- 7.12 It is considered that in relation to residential amenity, the proposed dwelling is acceptable and would comply with the aims and objectives of Policy ENV2 of the East Cambridgeshire Local Plan 2015 and the Design Guide SPD.
- 7.13 **Visual Amenity**

- 7.14 In terms of visual amenity, the proposed dwelling would front White Horse Lane, in accordance with the other dwellings along the Lane. It would sit roughly in-line with no.7 White Horse Lane with parking on the frontage. It is considered that by virtue of the introduction of a dwelling on this site would not detract from the street scene and would form a natural end to the Lane, and would not appear dominant. Furthermore, it is considered that the impact on the open rural setting beyond would not be significantly harmed by the proposal and that a good quality soft landscaping scheme would help to assimilate the dwelling in its surroundings. In terms of design, there is variety along the Lane and along Cannon Street and it is not considered that the traditional style approach of the proposed dwelling would be out of keeping with this design variety. A condition has been recommended requesting samples of materials to be submitted for further consideration to ensure that the quality of the dwelling is acceptable for this location.
- 7.15 It is considered that in relation to visual amenity, the proposed dwelling is acceptable and would comply with the aims and objectives of Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, 2015.
- 7.16 **Highways**
- 7.17 The CCC Highways Authority have not made any specific comments on this proposal, although the dwelling is acknowledged in the partner application Ref: 19/00519/FUL. Conditions have been recommended to cover parking on site, restrictions on gates and drainage.
- 7.18 In terms of parking, there is sufficient space for 2no cars to be parked on-site as per the Council's car parking standards. Turning would require cars to back out onto the Lane. However, this situation currently exists and it is not considered reasonable to refuse the application on this basis. White Horse Lane is an un-adopted road which the CCC Highways Authority do not control. The parking provision is therefore considered to be acceptable and complies with the aims and objectives of Policies COM7 and COM8 of the East Cambridgeshire Local Plan, 2015.
- 7.19 **Ecology & Trees**
- 7.20 Ecology has been largely assessed within the partner application report for Ref: 19/00519/FUL. However, this is a stand-alone full application and as such, is proposing on-site biodiversity enhancements in its own right.
- 7.21 The previous refusal, which included this site, included a reason based on the uncertain adequacy of the Preliminary Ecological Appraisal submitted with that application (Reason 2). This application includes a Reptile Survey by MKA Ecology and a Great Crested Newt and Reptile Impact Assessment by Greenwillows Associates. The Reptile Survey by MKA concluded that no reptiles were found during the surveys and have made two recommendations to develop a reptile method statement and to include on-site habitat improvements such as rough grassland and log piles for grass snakes. Hedgehog Highways are also encouraged into the bottom of the fences of the gardens in the south of the site to improve connectivity. The Great Crested Newt and Reptile Impact Assessment concludes that as this is a small site, which also forms part of a larger site, it would

not necessary imperative to include specific biodiversity enhancement areas. However, following the results found and reported in MKA Ecology's report, the proposal includes on-site biodiversity enhancements by including a hibernacula and a wood pile area along the western boundary of the site.

- 7.22 Both reports have been assessed by the Wildlife Trust and they have advised that they agree with the findings of the reports and the scheme for on-site biodiversity enhancements are acceptable and have recommended conditions. Conditions have therefore been recommended, if planning permission is granted, for the management and details of this scheme to ensure that it works successfully on site and that the development can mitigate against the loss of the Great Crested Newts during any site clearance, construction phases, through to completion and beyond (see appendix 1).
- 7.23 The application is also accompanied by an arboricultural report (Greenwillows Associates, dated June 2019) due to the fruit trees on the site. The Council's Tree Officer has assessed the report and concluded that it is acceptable and has recommended a condition requiring soft landscaping to include some historical reference to the orchard that was and still is there. A condition has therefore been appended which has been amended to include the reference to the apple trees.
- 7.24 The Parish Council raised concern regarding whether the applicant should be undertaking assessments under the Habitat Directive. These are usually required for projects which are likely to have a significant effect upon a European Site. Therefore an appropriate assessment is not required.
- 7.25 It is therefore considered that, in respect of Ecology and Trees, the proposed development is acceptable and complies with the aims and objectives of Policies ENV2 and ENV7 of the East Cambridgeshire Local Plan, 2015 and the NPPF, 2019.
- 7.26 **Flood Risk and Drainage**
- 7.27 The site is located within Flood Zone 1 which has the lowest probability of flooding and where new development should be located in favour of those areas within Flood zones 2 and 3 (those areas at more risk). A surface water drainage strategy has been submitted as part of the partner application, Ref 19/00519/FUL. During the appeal process for Ref: 17/00667/FUL, significant additional drainage information was submitted and no objections were raised by the Local Lead Flood Authority and the Planning Inspector was satisfied that the appellant demonstrated that there would be an available and workable solution to managing surface water drainage that would reduce the flood risk to an acceptable level. The drainage strategy submitted as part of this application is not the same as that which was considered at appeal for the larger scheme and as such a condition is recommended to ensure that an appropriate drainage scheme can be implemented on the site for both surface and foul water drainage.
- 7.28 It is considered that in terms of flood risk and drainage, the proposal is acceptable and complies with Policy ENV8 of the East Cambridgeshire Local Plan, 2015 and the Flood and Water SPD.
- 7.29 **Other Material Matters**

- 7.30 In order to protect residential amenity during construction, a Construction Environmental Management Plan (CEMP) will be secured by condition along with restriction on construction times and the burning of waste on site.
- 7.31 Policy ENV4 of the East Cambridgeshire Local Plan, 2015 requires that all new developments should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. A sustainability strategy is not normally sought for single dwellings. However, as this site also forms part of a larger site, which would need a sustainability strategy, it could be argued that it would improve the overall sustainability of the site and would contribute towards the Government's target of zero carbon emissions by 2020. An energy and sustainability strategy condition has therefore been recommended to ensure that this can be achieved.
- 7.32 Policy ENV14 of the East Cambridgeshire Local plan 2015 requires new development affecting archaeological sites to submit further information for assessment. The Cambridgeshire County Council Archaeology Team have identified this site as having archaeological significance and has recommended a condition to require a written scheme of investigation. A condition has been appended to ensure this is submitted to safeguard any potential archaeology on the site.
- 7.33 In terms of the provision of bins, the plans indicate an adequate waste collection area for the proposed dwelling, to the front of the site. This is considered acceptable and would comply with Policy ENV2 of the East Cambridgeshire Local Plan, 2015 and the RECAP SPD.
- 7.34 The Parish Council are concerned that an application for a change of use has not been submitted. This application considers this and, if granted, would accept the change of use of the land for the construction of a dwelling, as part of the approval.
- 7.35 **Planning Balance**
- 7.36 The proposal represents a sustainable form of development on the edge of the settlement of Little Downham. The dwelling would be a traditional form, and would be a positive contribution to the local and wider economy in the short term through construction work and long term benefits to the natural environment through on-site biodiversity improvements. It would also contribute an additional dwelling to the local housing stock.
- 7.37 It is considered that the proposal complies with the aims and objectives of Policies ENV2 and ENV7 of the East Cambridgeshire Local Plan, 2015 and the NPPF, 2019. Furthermore the design and layout of the proposal sympathises with the surrounding rural setting and the built variety currently along White Horse Lane. The proposal appropriately feathers the built edge of the village and acts as a transition between the rural and the urban. The benefits of the scheme are considered to outweigh the level of harm caused and the application is recommended for approval.

8 APPENDICES

8.1 Appendix 1 – list of conditions  
**For Appendices 2 – 4, please see Agenda Item No. 5 (Ref: 19/00519/FUL)**

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00544/FUL 18/00775/FUL 17/00667/FUL	Angela Briggs Room No. 011 The Grange Ely	Angela Briggs Planning Team Leader 01353 665555 angela.briggs@east camb.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

## APPENDIX 1 - 19/00544/FUL Conditions

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

Plan Reference	Version No	Date Received
AIA		19th June 2019
TPP_51CANNONST_2	A	19th June 2019
Reptile Survey		20th May 2019
GCN & Reptile Impact Assessment		June 19 27th June 2019
PL-1-01	B	27th June 2019
PL-2-02	B	27th June 2019
PL-1-02	B	27th June 2019
Location Plan		11th April 2019
PL-2-04	C	11th April 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 No above ground construction shall take place on site until details of the Walls, roof, windows and doors 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.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 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 occupation of the dwelling.
- 4 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.
- 5 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 ten 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.

The soft landscaping scheme shall reflect the site's history with some heritage Apple species included in the design to assimilate the development into its surroundings and safeguard the character and appearance of the area.

- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 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.
- 6 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.
- 7 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.
- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely

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

- 8 The development hereby approved shall be completed only in accordance with the biodiversity recommendations and mitigation measures as stipulated within the Great Crested Newt and Reptile Impact Assessment document (Greenwillows Associates), dated June 2019, the Reptile Survey carried out by MKA Ecology, dated October 2018, and as detailed on Drawing number PL-1-01 Rev B. The biodiversity improvements shall be installed prior to the first occupation of any dwelling, hereby approved, and thereafter maintained in perpetuity.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 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 or Bank 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 character and appearance of the area, 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.
- 11 No burning of waste shall take place on site during the site clearance or construction phases.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 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.
- 12 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.



- 13 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on drawing number PL - 1 - 01 Rev B.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to the occupation of the dwelling hereby permitted space shall be laid out within the site for 2no. cars to park and in accordance with the details shown on drawing number PL-1-01 Rev B. This area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 14 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 15 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 15 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 16 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 the dwelling and shall remain in perpetuity.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping scheme (in accordance with the biodiversity management plan (condition 8) and recommendations of the Great Crested Newts and Reptile Impact Assessment by Greenwillows Associates, and the Reptile Survey dated June 2019 by MKA Ecology dated 20th May 2019) for a minimum period of ten 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 implementation
  - iv) details of any phasing arrangements
- 17 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 The development hereby permitted shall be completed only in accordance with the recommendations and tree mitigation measures as detailed within the Arboricultural Impact Assessment and Method Statement, dated June 2019. The protective measures contained within the report 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.

- 18 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.
- 19 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.
- 19 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.
- 20 Prior to the commencement of development a Biodiversity Management Plan based on the recommendations provided by MKA Ecology in their Reptile Report dated 20th May 2019 and from Greenwillows Associates in their Great Crested Newt and Reptile Impact Assessment report dated 27th June 2019, shall be submitted and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall include details of the enhancement of the wood pile and hibernacula areas as shown on drawing number PL-1-01 Rev B.
- 20 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.
- 21 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: all hard surfacing materials. 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.
- 22 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



## **Planning Performance – July 2019**

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

	<b>Total</b>	<b>Major</b>	<b>Minor</b>	<b>Householder</b>	<b>Other</b>	<b>DIS /NMA</b>	<b>Trees</b>
<b>Validation</b>	<b>174</b>	<b>6</b>	<b>39</b>	<b>38</b>	<b>9</b>	<b>45</b>	<b>37</b>
<b>Determinations</b>	<b>163</b>	<b>3</b>	<b>46</b>	<b>28</b>	<b>20</b>	<b>35</b>	<b>31</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>100%</b> (80% within 8 weeks)	<b>96%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>57%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>138</b>	<b>3</b>	<b>35</b>	<b>23</b>	<b>14</b>	<b>33</b>	<b>30</b>
<b>Refused</b>	<b>25</b>	<b>0</b>	<b>11</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>1</b>

<b>Open Cases by Team (as at 12/08/2019)</b>							
<b>Team 1 (3.5 FTE)</b>	<b>160</b>	<b>16</b>	<b>13</b>	<b>23</b>	<b>52</b>	<b>56</b>	<b>0</b>
<b>Team 2 (3 FTE)</b>	<b>110</b>	<b>13</b>	<b>20</b>	<b>20</b>	<b>19</b>	<b>38</b>	<b>0</b>
<b>Team 3 (3 FTE)</b>	<b>96</b>	<b>5</b>	<b>25</b>	<b>23</b>	<b>18</b>	<b>25</b>	<b>0</b>
<b>No Team (5 FTE)</b>	<b>91</b>	<b>16</b>	<b>17</b>	<b>1</b>	<b>13</b>	<b>17</b>	<b>27</b>

**No Team includes – Planning Manager, Trees Officers (x2), Conservation Officer and Agency Workers (x2)**

The Planning department received a total of 210 applications during July which is a 1% increase on July 2018 (207) and 23% increase from June 2019 (171).

### **Valid Appeals received – 7**

Site Of Chapel Chapel Hill Little Thetford – Delegated Decision  
 Site North West Of 9 Burwell Road Reach – Delegated Decision  
 Site West Of 9A Nelsons Lane Haddenham – Delegated Decision  
 Land To East Of Sunnydene Pymoor Lane Pymoor – Delegated Decision  
 51 Cannon Street Little Downham Ely – Committee Decision  
 Land Rear Of 6 To 12 High Street Aldreth – Committee Decision  
 Land Rear Of Whitegate Farm Witcham Road Mepal – Delegated Decision

### **Appeals decided – 3**

48 Mereside Soham Ely – Allowed – Delegated Decision  
 Rear Of 89 And 91 Lynn Road Ely – Dismissed – Delegated Decision  
 Land East Of 21A Cannon Street Little Downham – Dismissed – Delegated Decision

**Enforcement**

New Complaints registered – 38 (8 Proactive)

Cases closed – 27 (4 Proactive)

Open cases/officer (2.5FTE) –  $275/2.5 = 110$  per FTE (48 Proactive)

**Notices served – 1**

Enforcement Notice – 11 Main Street, Littleport – 24/07/2019

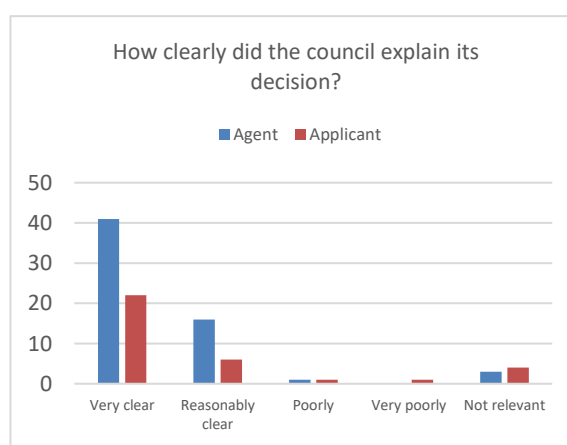
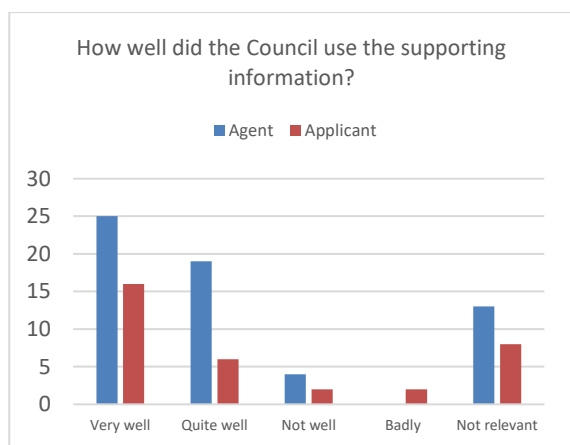
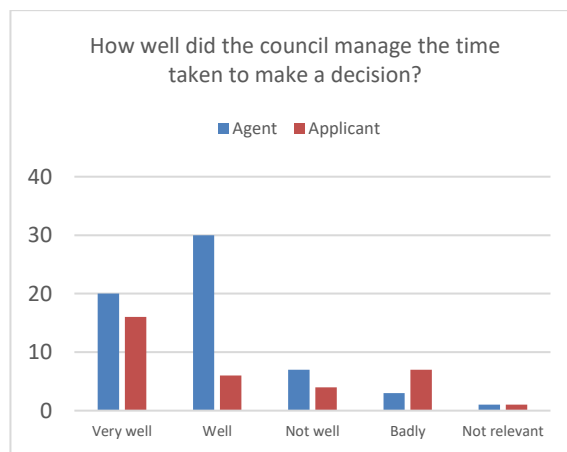
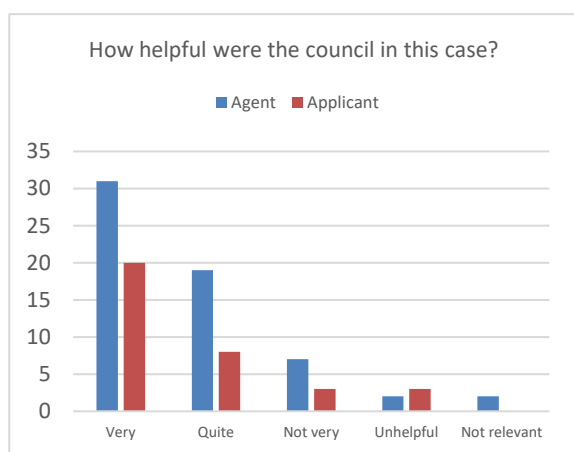
## Planning Customer Satisfaction Survey – 6 month feedback

The Planning Department have been sending Customer Satisfaction Surveys to all Agents, Applicants and members of public who comment on applications and who have supplied an email address, for applications that have been closed, either permitted, refused or withdrawn, so that we can review their experience of the application process.

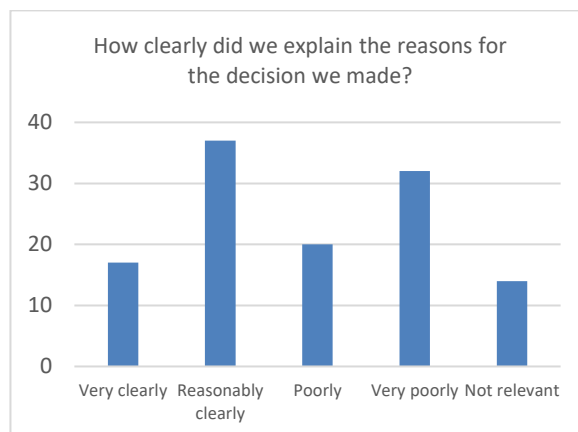
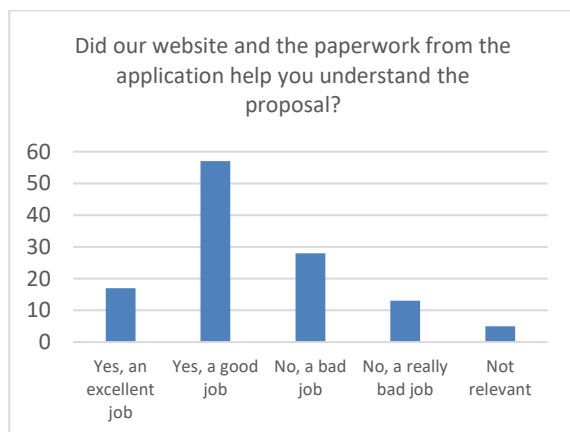
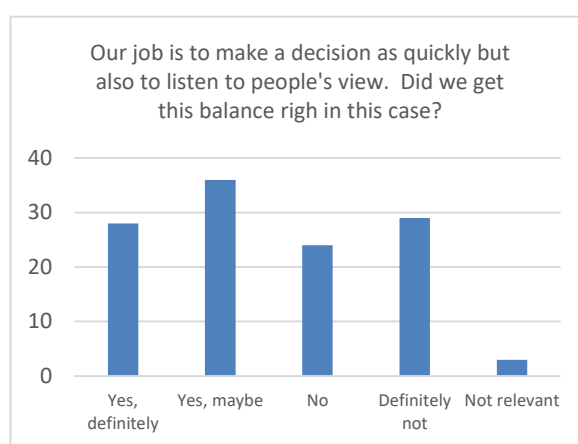
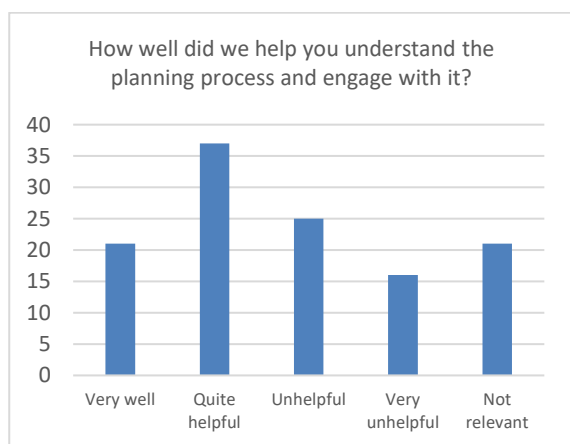
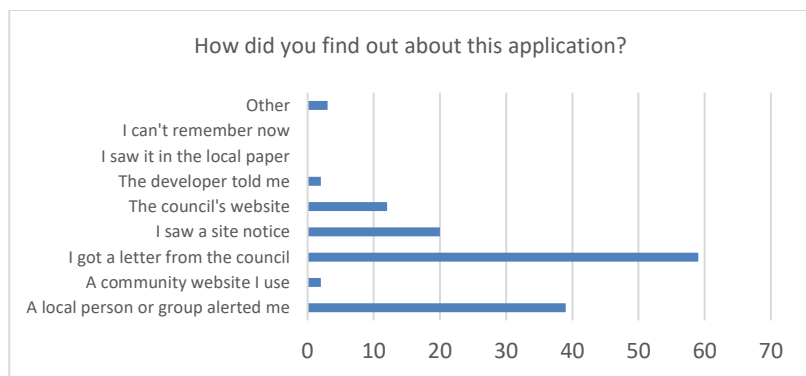
This report will provide the overview of the responses received between January and July 2019. It will also give the areas that have been highlighted in the responses as areas to improve the customers experience with the Planning department.

We have sent out 1736 questionnaires within this period and have received 215 responses (12% response rate).

### Agent and Applicant responses



**Responses of Members of public who wrote in for applications**



**Positive Feedback Received**

From the comments that were submitted as part of the responses the following points have been noted as positives for the Planning Department.

- Approachable
- Easy to contact/accessible
- Honest with timeframes
- Professional

- Adopt a straight forward approach
- Helpful & patient
- Provides detailed feedback and able to pre-warn on potential issues
- Pragmatic
- Officer presented well at Committee
- Efficient & quick
- Online tracking system was useful
- Officer gave time to explain the planning process and the next steps
- Kept informed of changes
- Appreciate the anonymity given to the neighbour responses received

### **Adverse Feedback Received**

As with all surveys there were also points raised that need to be reviewed and changes implemented. These issues have been reviewed and summarised into 5 main points below.

- Time
  - To issue decision following amendments
  - S106 negotiations
  - Extension of time/unrealistic with time needed/feeling penalised if not agreed
  - Officer response times
  - Discharge of Condition applications dealt with slowly
  - Preapp discussions
- Decisions/Conditions
  - No pre-commencement condition approval sought
  - Onerous
  - Incorrect condition used
  - No consistency
  - Concerns raised weren't responded to addressed in the officer report
- Online system
  - Plans not correct
  - Needs to be more user friendly
  - Labelling of documents not clear
  - Information not public within acceptable timescales
  - Expiry dates not updated (ie after site notice posted)
  - Amended information not clear
- Information, Communication & Processes
  - Not being fully aware of the application site
  - Unnecessary amendments to plans
  - Admin processes onerous



- Initial contact was aggressive
  - Consultations missed
  - Not made aware of next steps/committee process
  - Updates needed at regular intervals to enable client feedback
  - Unnecessary use of jargon
  - Unsure what acceptable grounds for objection
  - Notification letter too wordy
  - Changes in Officers dealing with an application
- General
    - Ring fence planning fees for planning
    - Increase the number of planners to enable better customer service
    - Make Preapp free but mandatory
    - Should reduce amount of paper or use recycled paper
    - Need to keep check on Councillor conflict of interest
    - No appeal process for members of the public

### **Proposed Actions**

The following actions have been highlighted to improve the issues raised. These are repeated in the Action plan in Appendix 1 to show the progress which has been made to date.

- Review of procedures
  - To ensure pre-commencement condition approval is sought before signing off decisions
  - To ensure standardised labelling is used when publishing documents on Public Access
  - To ensure dates are recorded in the back office system so correct information is shown online
  - To ensure when registering applications correct Address point is selected
  - To ensure validation and consultation processes are efficient and effective
  - To ensure that Officers complete site assessment forms when out on site visits
- Review Templates
  - Label on front of application file to include date pre-commencement conditions agreed
  - Review wording of notification letter for an invalid application
  - Initial neighbour letter to include QR code to take neighbour to specific record on public access, where to find information regarding what can be taken into consideration and check clear explanation that individual letters will not be responded to but issues raised will be addressed in the Officer report

- Contributor (member of the public) acknowledgement wording to ensure recipient is clear on next steps and if email address provided then acknowledgement is sent via email
- Amend notification letter to include the revised/additional plans/information
- Working with Legal to create a s106 instruction memo giving all information upfront when requesting a s106 in relation to a planning application
- Working with Legal to create a s106 template
- **Staff behaviours & time**
  - Performance indicator to be included in Officer Appraisals to set discharge of condition timescales and targets
  - To develop a way to maintain contact with key people during the application process
  - Weekly meetings where Planning Officers take applications to discuss with other Officers the main points of the proposal and seek their opinions to improve consistency
  - Reduce amount of paper used by the Planning Department

In relation to the points listed under Time, the department are working hard on improving the time delays within the process. Unfortunately with workloads and other aspects outside of the Officers control there will always be times where we don't meet the deadlines that have been set nationally or locally.

Another report will be tabled in 6 months which will give updates on the actions above and summary of the feedback received from August to February 2020.

### **Arguments and Conclusions**

Monitoring performance enables the planning department to highlight key responses to the surveys and provides an opportunity to praise members of the team for their work and to improve the service of the department.

### **Financial Implications**

There are no financial implications other than officer time attributed to this report and assessing the information received in response to these surveys.

### **Appendices**

Appendix 1 – Action Plan

**Contact Officer**

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**APPENDIX 1**

Action	Progress	Target completion	Date completed
Weekly meeting between Officers to discuss current Planning applications and to seek opinions	Plans & preapp organised for Friday mornings		Sept 2018
Planning Accountabilities – Discharge of Condition timescale target	Planning Officer accountabilities updated with DIS target		29/03/2019
Pre-commencement condition procedure	06c Procedure reviewed and amended to include completing the folder label with agreement date		13/08/2019
Working folder label to include pre-commencement agreement	Template amended to include date agreement sent to applicant agent and date agreement returned		19/06/2019
S106 instruction memo template	Work carried out with Legal and template updated in Uniform		15/02/2019
Reduce amount of paper used by the Department	Only print one copy of supporting reports for Parish, Planning Officers review these documents electronically		18/02/2019
	Email contributor (member of the public) acknowledgement letters (see below)	31/10/2019	
	Email notification of committee and Decision outcome to contributors – following successful coding on template above	30/11/2019	
	Parish consultation – email requests	31/03/2020	
Develop ways to maintain effective communication with key people during the application process	Sticker system implemented to draw attention to contact Local Member with any changes/discussions		Sep 2018
	Explore ways to introduce key milestones to contact Applicant/Agent	20/12/2019	

**AGENDA ITEM NO 8  
[U55]**

S106 template document	Work with Legal to create S106 template to speed up process of issuing the Legal Agreement	20/12/2019	
Notification letter for an invalid application	Template under review	30/09/2019	
	Amend wording	31/10/2019	
Initial neighbour consultation letter to include QR code, clarification regarding what can be taken into consideration and the process	Template wording under review	30/09/2019	
	Amend wording and add QR coding	31/10/2019	
Contributor acknowledgement template	Coding tested in Uniform Test to email if email address supplied	30/09/2019	
	Review wording to ensure clear about next steps	30/09/2019	
	Amend wording and import email coding to Live system	31/10/2019	
Review Public Access to ensure clarity and openness	Review and update standardised labelling used for documents in document management system to ensure clarity for members of the Public using online system	30/11/2019	
	Review information shown on Public Access (ie – key dates, etc)	30/11/2019	
	Review relevant procedures to ensure that relevant fields are completed in uniform by the appropriate person	20/12/2019	
Ensure correct people are consulted on applications	Ensure all constraint polygons are updated in Uniform to ensure correct consultees are consulted and policies considered	31/08/2019	
	Review registration procedures to ensure clarity in which address point to use when registering planning applications – this will affect which neighbours are consulted	30/09/2019	

	Review Consultation manual for when standard consultees are required	20/12/2019	
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