



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

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## MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

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

VENUE: **St Mary's Church Hall, St Mary's Church, St Mary's Street, ELY**

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

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

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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 IN RECEPTION AT THE GRANGE AT 9:40am**  
(Please note site visit timings are approximate)

# **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 6<sup>th</sup> November 2019
  
4. Chairman's Announcements **[oral]**
  
5. **19/00100/FUM**  
The erection of new accommodation and welfare facilities to extend the existing provision at Wings Hostel.  
Site South of Wings Hostel, Station Drove, Shippea Hill  
Applicant: Barway Services Ltd  
Site Visit: 10.00am
  
6. **19/00447/RMM**  
Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM.  
Land Accessed between 2 and 4 Fordham Road, Isleham  
Applicant: Bloor Homes Eastern  
Site Visit: No visit – site visited in November 2019
  
7. **19/00877/FUL**  
Proposed five bedroom house and detached garage, parking, access and associated site works.  
Plot 2, Site North West of 72 West Street, Isleham  
Applicant: Mr & Mrs Geach  
Site Visit: 12:05pm

8. **19/00939/FUL**

Proposed residential development comprising one replacement dwelling and one new dwelling and demolition of existing dwelling.

Amani, 43 Prickwillow Road, Queen Adelaide, Ely

Applicant: Mr Ralph Mortlock

Site Visit: 10:45am

9. **19/00940/FUL**

Proposed replacement dwelling (similar to proposals to those approved under 16/00953/FUL).

43 Prickwillow Road, Queen Adelaide, Ely

Applicant: Ralph Mortlock

Site Visit: 10:50am

10. **19/01115/OUT**

Construction of 2no. detached single storey dwellings and associated works.

Site North of 55 Pound Lane, Isleham

Applicant: Mr & Mrs Baxter

Site Visit: 12:25pm

11. **19/01395/FUL**

Change of use of annexe to residential dwelling including revision to garden and parking arrangements.

3 Hall Lane, Burwell, CB25 0HE

Applicant: Mr Colin Eade

Site Visit: 11:35am

12. **Planning Performance Report – October 2019**

## NOTES:

1. Members of the public are welcome to attend this meeting. This Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single use plastics in our workplace. Therefore, we do not provide disposable cups in our building and would ask members of the public to bring your own reusable bottle/cup to meetings where water/hot drinks will be available.

If you are visiting The Grange during normal office hours you should report to the main reception desk, where you will be asked to fill in a visitor's pass that must be worn at all times whilst you are in the building. Please remember to return your pass before you leave.

This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.

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@eastcamb.gov.uk](mailto:translate@eastcamb.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, 6<sup>th</sup> November 2019 at 2:00pm.

**PRESENT**

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

**OFFICERS**

Angela Briggs – Planning Team Leader  
Maggie Camp – Legal Services Manager  
Kevin Drane – Trees Officer  
Rachael Forbes – Planning Officer  
Barbara Greengrass – Planning Team Leader  
Andrew Phillips - Planning Team Leader  
Janis Murfet – Democratic Services Officer  
Rebecca Saunt – Planning Manager  
Angela Tyrrell – Senior Legal Assistant  
Russell Wignall – Legal Assistant

**IN ATTENDANCE**

Cllr Lorna Dupré (Agenda Item No. 11)  
Cllr Julia Huffer (Agenda Item No.9)  
Cllr Alan Sharp (Agenda Item No. 6)  
Approximately 40 members of the public

**45. APOLOGIES AND SUBSTITUTIONS**

There were no apologies given or substitutions made.

**46. DECLARATIONS OF INTEREST**

Councillor Jones said he wished to declare a slight pre-determination in respect of Agenda Item No. 7 (18/01777/OUT – Site West of Mulberry house, Barcham Road, Soham). In view of this, he would speak on the item, but not vote on it.

Councillor Stubbs declared a personal interest in Agenda Item No. 11 19/00966/OUM – Land between 27 and 39 Sutton Road, Witchford). Her partner was employed by Savills as a building manager but had no involvement in this case. She stated that she was open minded about this application, and having taken advice from the Monitoring Officer, she would take part in the debate and vote on the item.

Councillor Schumann declared a personal interest in Agenda Item No. 12 (19/01030/FUL – Land Adjacent to 58 West Street, Isleham), the applicant being a second cousin once removed, however they were not close.

**47. MINUTES**

It was resolved:

That the Minutes of the meeting held on 2<sup>nd</sup> October 2019 be confirmed as a correct record and signed by the Chairman.

**48. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- The Planning Department received approximately 2,000 planning applications per year and approximately 5% were dealt with by the Committee. Some cases could be dealt with by Officers under delegated authority, but others were required to come to Committee and this would be indicated in the planning report.

Members always had come to each application with an open mind or they could not participate its determination, and it was better to have a wide expression of views.

- The Planning Committee meeting scheduled for 4<sup>th</sup> December 2019 would take place in St Mary's Church Hall, St Mary's Street, Ely.
- Cathy White, Senior Trees Officer, had retired from the Authority on 1st November after 22 years of service; she had been very efficient and a great help to both Members and Officers. On behalf of the Committee, the Chairman wished her well for the future, and it was subsequently agreed that a letter of thanks be sent to her.

- On behalf of the Committee, the Chairman congratulated Catherine Looper on having been awarded her Master's Degree and being promoted to Senior Planning Officer.

**49. CONFIRMATION OF TREE PRESERVATION ORDER E/08/19 – LAND OFF HOD HALL LANE, EAST OF METCALFE WAY, HADDENHAM**

Kevin Drane, Trees Officer, presented a report (reference U100, previously circulated) from which Members were asked to confirm a Tree Preservation Order (TPO) for five trees on land off Hod Hall Lane, east of Metcalfe Way, Haddenham.

The Committee was shown a map indicating the location of the trees, an aerial view and photographs taken from various viewpoints.

The key points for consideration were:

- The opinion of the local residents who want the TPO confirmed on all five trees;
- The objections to the TPO from the agent representing the owners;
- The amenity value of the five trees, and the visual impact of the loss of some or all of the five trees in the local landscape.

The Order was made following a request by local residents who nominated the trees for preservation because they stood on the proposed development site for the current planning application 18/01041/OUM.

The proposed layout included a balancing pond that would likely require the removal of some or all of the trees, which were not protected at that time. The five trees were visible to neighbouring residents and made a visual impact and contribution to the local landscape in this location, providing a wildlife habitat.

The five trees were assessed for TPO on their amenity value, this being the only requirement needed in evaluating trees for the making of new TPO's and the TPO was served to allow time for debate on the future of the trees.

An objection to the serving of the TPO was received in writing from the owners' agent during the statutory consultation period; paragraph 4.3 of the Officer's report set out the details of the objection. It was the view of the Agent's appointed arboricultural consultant that TPO status on the five trees was not justified, and was questionable.

Support for the TPO was also received during the consultation period; the email was attached at Appendix 3 to the report.



Given the comments received, including the objections and the public request for the serving of the TPO, it was considered appropriate for the Members of the Planning Committee to consider all the comments and reach a democratic decision on the future protection of the five TPO trees.

The Trees Officer said that while determining whether or not the trees were of sufficient amenity value was to some extent subjective, he remained of the opinion that they made a visual contribution to the local landscape and character of the area.

Members noted that a small error was spotted early in the consultation period. The Council's Senior Legal Assistant had confirmed that it was a minor error and could be amended on the original documents in the relevant sections with the Planning Manager's signature.

In response to a Member's question, the Trees Officer confirmed that if the Committee was minded to confirm the TPO with the modification, the Council could consider future tree work applications and approve suitable tree work specifications for the management of the TPO trees or refuse an application if the proposed tree work was not supported. If the TPO was confirmed, the five trees could not be removed without consent, and the Authority could seek replacement trees if they were to be removed.

However, if Members decided not to confirm the TPO, the Council would be unable to prevent the loss of the trees.

It was proposed by Councillor Wilson and seconded by Councillor Brown that the Officer's recommendation for confirmation of the TPO be supported, and when put to the vote,

It was resolved unanimously:

That TPO E/08/19 be confirmed with the minor amendment correcting tree T3 species name from Oak to Field Maple in the TPO schedule and on the TPO Plan for the following reason:

- The five trees are prominent specimens within the small copse, and visually contribute to the amenity of the local landscape in this part of Haddenham.

**50. 18/01435/OUM – SITE EAST OF CLARE HOUSE STABLES, STETCHWORTH ROAD, DULLINGHAM**

Andrew Phillips, Planning Team Leader, presented a report (reference U101, previously circulated) which provided Members with an update on application reference 18/01435/OUM which had been granted delegated approval at the Planning Committee meeting on 7<sup>th</sup> August 2019.

## AGENDA ITEM NO 3

It was noted that since Members had made their decision, the Fire Service and Lead Local Flood Authority had submitted additional comments following being approached by Dullingham Parish Council in relation to flood risk and emergency planning issues.

Dullingham Parish Council also did not consider the Sequential Test to have been fully covered in the previous committee report and therefore additional information in respect of this was provided in this report.

Paragraph 5.1 of the Officer's report summarised the responses received from consultees since the previous Committee meeting.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph, proposed junction, an indicative Masterplan and maps relating to areas of flooding.

The main considerations in the determination of the application were:

- New consultation comments;
- Flood Risk and Drainage – Sequential/Exception Test; and
- Access in an Emergency.

With regard to the principle of development, Members noted that the Council could only demonstrate 3.7 years of housing supply. However, Dullingham had a train station and the proposal was a mixed use development in close proximity to the village. The site was considered to be in a relatively sustainable location and would provide much needed housing.

The Lead Local Flood Authority previously had no objection to the scheme, subject to a drainage condition. This still formed Condition 7 and was covered in the previous Committee decision. The proposal would still lead to a short term improvement in drainage and in the long term, lead to a neutral impact.

The Fire Service had expressed concern that it would be delayed in getting to a fire in the event of a 1:100 year flood. It had specifically expressed the need to provide each proposed dwelling with a sprinkler system to cover the potential delay and minimise the risk to life. Although such a blanket requirement would be unreasonable in the planning system, in this case there was a very specific reason as to why sprinklers were required and on this basis it was considered reasonable to add a condition to ensure their provision.

The NHS East Anglian Ambulance Service had not commented during the consultation period but had since confirmed that a flood event would delay them on the ground. They sought community defibrillators to be located on the site, and the following new condition was therefore recommended:

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*'Prior to first occupation a scheme to provide defibrillators for public use and details of future maintenance/management of the defibrillators shall be submitted to and agreed in writing with the Local Planning Authority. Prior to first occupation the defibrillators shall be in situ in accordance with the agreed details and the maintenance/management details approved shall thereafter be complied with in perpetuity.'*

*Reason: To ensure proper infrastructure for the site in the interests of public safety for emergency use. This is supported by paragraph 95 of the NPPF.'*

The Environment Agency had no objections to the proposal.

Turning next to the issue of flood risk and drainage, the Planning Team Leader drew Members' attention to the various illustrations and explained that the proposal was considered to comply with Policy ENV8 and the NPPF, as the site had passed both the Sequential and Exception Test. The housing would be fully located within Flood Zone 1 and it would also not increase surface water flooding elsewhere in the long term. All residents could evacuate the site on mass if needed in an emergency during a flood, and therefore an Emergency Plan was not needed.

It was therefore considered that the public benefits of the scheme would outweigh the harm and the application was recommended for delegated approval, subject to the completion of a S106 agreement and recommended conditions.

The Planning Team Leader responded to a number of questions from Members. He said that because climate change was an unknown, there would be additional storage on the site to cover any potential change and this would reduce flood risk by up to 40% in the short term.

The point was made that people would need training in the use of defibrillators and they would require maintenance and upkeep; this was covered by the previously mentioned new condition. It was suggested that the Air Ambulance could land if needed, but the Planning Team Leader replied that it would depend on weather conditions and the state of the landing area.

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

- She was speaking on behalf of residents, and they believed the application should be refused;
- It was not consistent with local and national policy and the developer had failed to provide any supporting evidence;
- No suitable surveys had been carried out and the Wildlife Trust recommended that the application either be withdrawn until the surveys had been done, or refused as it was contrary to the NPPF;

### AGENDA ITEM NO 3

- Natural England believed the scheme to be in direct conflict with paragraph 175 of the NPPF;
- The Wildlife Trust reiterated the need for the proposal to demonstrate a net biodiversity and ecology gain;
- The AGB Environmental Report stated that further survey effort were required. There was no evidence of this and therefore the application was not legally compliant;
- The levels of traffic had not been taken into account and did not include Station Road or the Stetchworth Road. The B1061 was a key route out of the village and was already beyond very congested;
- There were only two buses per day and trains only hourly at peak times and every two hours for the rest of the day and there was no safe cycle route to Newmarket.

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

- The application was considered at Committee in August 2019 and nothing had changed in the interim. It had come back before Members because of further comments from the Fire and Ambulance Services, the Environment Agency, County Council and the Parish Council;
- The Fire Service had raised the risk of delayed access during flooding, but had said that this could be mitigated;
- The applicant would be happy to provide sprinklers in the dwellings and the Fire Service had withdrawn its objection;
- The County Council Lead Local Flood Authority felt there were insufficient grounds to object to the scheme;
- The footpaths and pedestrian access would be located in dry areas;
- The flood maps showed the water levels to be below 300mm;
- The Sequential Test was explained in the Officer's report;
- The Environment Agency had no objections and the Parish Council's concerns regarding access by the Fire Service during a flood were not shared;
- Dullingham is a sustainable village and this would be a sustainable development adjacent to the framework;
- There were no outstanding technical objections;

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- The Council could not demonstrate a 5 year supply of housing land and therefore the presumption should be in favour of sustainable development;
- The proposal would boost housing numbers in the District and would include bungalows for the over 55's.

A Member enquired about the provision of community defibrillators. Mrs Slater confirmed that the applicant would be happy to provide them and the Planning Manager assured the Committee that this matter would be addressed.

At the invitation of the Chairman, Councillor Mark Robertson, Dullingham Parish Council, addressed the Committee and made the following comments:

- The site failed the Sequential Test, as there was an alternative site on the edge of the village that was put forward as part of the Local plan process;
- It also failed paragraph 157 of the NPPF and the Exception Test as not showing the site will be safe for its lifetime;
- Access and egress should be designed to cover all eventualities;
- Existing properties were built before the legislation and also before there were emergency services;
- The Fire Service did not believe an evacuation plan to be necessary, but the maximum depth of 300mm was incorrect. Run-off had no impact on flooding;
- Using CIL money was ridiculous;
- The proposal failed Policy ENV8 and failed to follow depth guidance;
- There would be no vehicular access for ambulance crews in the event of flooding, access by foot would be impractical and the Air Ambulance could not be used;
- The proposal would raise the risk of death and injury, and this was being done in the full knowledge that it failed local and national policy. The Authority was asking to gamble on people's lives and it made a mockery of the planning process;
- How could Members consider the application when so many matters were outstanding?
- Why was the authority backing the application when it failed the tests? The only option was to refuse the application.

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A Member challenged Councillor Robertson's assertion that having housing on the land would present a greater risk than using it for equine activities. He thought that equine use could result in quite serious injuries, more so than that of housing. Councillor Robertson disagreed, saying that he believed the risk for 41 properties to be greater and the Air Ambulance was not always available to attend incidents.

In response to a question from another Member regarding the alternative site, Councillor Robertson said that it had been put forward during the Council's 'Call for Land' during the last Local Plan process and they were in discussions with the Parish Council. The site was an equivalent size to this application site, there was no risk of flooding and the land was available, subject to planning.

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

- The application seemed to have been pushed through quickly. Comments were still coming in and they should be available to the public;
- There were many inconsistencies. The report stated that the Ambulance Service had not provided comments, but the Case Officer has now advised that comments were received after the report was written. Ambulance Service vehicles had the wading depth of a car tyre. The nearest response team was at Melbourne and the Air Ambulance was not equipped for dark or bad weather;
- Paragraph 7.6 – emergency vehicles would have to go up and down a steep hill;
- Paragraph 7.10 stated that there was a lack of available housing sites but one, which was far more suitable, had been put forward in the 'Call for Sites';
- A lot of money would be needed for vital infrastructure, the CIL money would not cover the amount needed;
- No species-specific surveys had been done and there was no mention of the stud land. If it threatens the horse racing industry then it should be refused;
- The site had not been marketed for ten years and traffic was still a big issue;
- There were lots of potential conditions that could be included in a more detailed application;

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- The application should be refused on the grounds of ecology, flooding, public safety and traffic and the loss of stud land.

The Planning Team Leader reminded Members that the loss of paddock land had been considered when the last application was assessed at Committee. The Planning Manager added that the current status of the application following August's Committee that it was a live application and no decision had been issued. She cautioned that if Members were now to refuse permission for reasons that they had previously been happy with, it could leave the Authority open to challenge.

A Member raised the issue of ecology, saying that some of the comments had not been available last time. The Planning Team Leader advised that it could be dealt with in one of two ways: either carry out detailed surveys early on and mitigate, or use the 'gold standard' and treat the site as if every species was present; the latter would result in a much larger improvement.

Another Member wished to know how many points on the road would be liable to flooding and was advised that it was the whole stretch. However, the Lead Local Flood Authority had said that the road would drain more equally and the Fire Service had raised the matter because it was something they had to check.

It was proposed by Councillor Schumann that the Officer's recommendation for delegated approval be supported. Having reviewed the minutes from the meeting in August, he was still not comfortable but felt that there were not significant enough reasons to tip the balance in favour of refusal. He hoped that the condition relating to the defibrillator would not be made too onerous, as defibrillators are fool proof to use.

The motion was seconded by Councillor Stubbs.

A Member remarked that there had been some comments made questioning the competency of Officers and it should be remembered that Members were not the experts; they relied on Officers for their training and expertise.

Another Member, having listened to the views of the Parish Council, questioned why this site should be accepted when there was one more suitable with no problems and why that site was not coming forward for development.

The Committee returned to the motion for approval and when put to the vote, it was declared carried with 10 votes for and 1 vote 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 as set out in the Officer's report and in the Committee update, with

authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission.

**51. 18/01777/OUT – SITE WEST OF MULBERRY HOUSE, BARCHAM ROAD, SOHAM**

Rachael Forbes, Planning Officer, presented a report (reference U102, previously circulated) which sought outline planning permission with some matters reserved for the erection of one dwelling, access and associated site works. Matters relating to appearance, landscaping and layout were reserved.

Members were asked to note an error in paragraph 9.5 of the Officer's report; references to 19/01923/RMA should read 17/01923/RMA.

The site was located between the A142 and Barcham Road on the northern edge of Soham and outside of the established development framework. The proposed dwelling would sit between two previously approved dwellings which were nearing completion. Barcham Road was a single car width road with no pedestrian footpath or street lights; a number of dwellings and rural businesses were regularly spaced along the road.

It was noted that the application was called in to Planning Committee by Councillor Jones as he considered the application to be finely balanced.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph, the outline of the proposal and photographs relating to visual impact.

The main considerations in the determination of the application were:

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

The Planning Officer reminded Members of the history of the site, which included four previous applications. Two had been recommended for refusal but were overturned at Committee, and two were granted permission under delegated authority.



### AGENDA ITEM NO 3

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 application site was situated outside of the development envelope for Soham and was therefore considered to be in the countryside. It was considered that the proposal would provide very limited economic benefits through jobs during construction and the spending of future occupiers. Barcham Road was a 60mph road with no footpath or street lighting and it was approximately a 40-50 minute walk to the services and facilities in Soham. Occupants were therefore very likely to be dependent on a private vehicle to access those services and facilities. The proposed development would cause significant harm to the character and appearance of the area by virtue of further enclosure and erosion of the openness and rural character in the countryside location through the introduction of further built form. It was considered that the environmental benefits would not outweigh the harm caused to the character and appearance of the area and the development did not constitute sustainable development.

Although appearance and layout were not being considered at this stage, in terms of visual impact, it was considered that the proposed dwelling would result in further enclosure and further erosion of the openness and rural character in this countryside location through the introduction of further built form. This impact was further exacerbated by the sheer scale of the dwelling at a depth of 16 metres and the proposal would result in a group of three dwellings contrary to the general sporadic pattern of development along Barcham Road.

Appearance was not for consideration at this stage and therefore overlooking could not be fully assessed. However, given the separation distances, it was considered that a dwelling could be achieved without resulting in a significant impact to residential amenity.

In terms of highway safety, it was noted that the access to the dwelling would be from Barcham Road and there would be sufficient room on site for the parking and turning of vehicles and parking spaces for two cars. The Local Highways Authority had no objection in principle to the proposal but had reiterated previously raised concerns regarding the increasing number of new dwellings along Barcham Road and the lack of infrastructure. They considered that should such incremental development continue it was likely to result in the detriment to highways safety, an increase in vehicle and pedestrian conflict, and be unaligned with the ECDC Sustainability policies.

It was noted in the Officer's presentation that no ecological assessment had been submitted and the application form stated that there was not a reasonable likelihood of protected or priority species, designated sites or geological features being affected by the proposed development. Previous applications at the site had ascertained that the site was not of particular ecological importance. Ecological enhancements could be secured by an appropriately worded condition.

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The Planning Officer concluded by saying that the application was considered to be in an unsustainable location that did not meet all of the three dimensions of sustainable development and it was therefore recommended for refusal.

At the invitation of the Chairman, Mr Adrian Fleet, agent, addressed the Committee and made the following comments:

- The applicants had purchased the site in November 2018, seeing it as an opportunity to deliver a modest dwelling in the countryside which they are currently building;
- The site was quite large so they decided to look at the opportunity to build an additional dwelling;
- The Council could not currently demonstrate a five year supply of housing land, therefore the presumption had to be in favour of sustainable development;
- He disagreed that the proposal would cause any harm. Sustainability was based on three principles: economic, social and environmental. There would be some economic benefits to the scheme, and the introduction of a dwelling would satisfy the social element by reinforcing the community and meeting the needs of future generations. In respect of environment, the site was accessible by foot and bicycle and the applicants would provide an electric charging point. The character and appearance of the area was not one of purely large plots;
- It might be a national speed limit road, but a survey had shown traffic travelling at an average of only 30.3 mph;
- It was close to a primary school, grocery store and bus stop, so is a sustainable location;
- Appearance and layout were reserved matters. The NPPF said that developments should make optimal use of the land and this proposal would not be out of keeping with the area. It would use only 16% of the site.

Councillor Jones said he had called in the application as he believed some objections were subjective. He thought the area looked clustered and an additional property would not detract from its appearance. Transport was available and was within 100 metres of the main road.

Other Members were of the opinion that the road consisted of large dwellings in different settings and different styles and that permitting the application would give the appearance of the dwelling having been squeezed in and this was a step too far. This location signified the end of Soham and the Officer was correct in recommending refusal.

It was duly proposed by Councillor Brown and seconded by Councillor Austen that the Officer's recommendation for refusal be supported.

When put to the vote, the motion was declared carried, there being 10 votes for and 1 abstention.

It was resolved:

That planning application reference 18/01777/OUT be REFUSED for the reasons given in the Officer's report.

**52. 19/00214/OUM – LAND SOUTH OF 18 WILBURTON ROAD, HADDENHAM**

Angela Briggs, Planning Team leader, presented a report (reference U103, previously circulated) which sought outline planning permission for up to 110 residential units on land to the south of 18 Wilburton Road, Haddenham. Approval was sought for access only as part of the application, with all other matters (appearance, landscaping, layout and scale) reserved.

Members were asked to note an update in respect of paragraph 2.7 of the report; the applicant had now agreed an extension of time to 11<sup>th</sup> November 2019.

The site was located on the south eastern edge of Haddenham on land outside the development envelope. It was to the south of Wilburton Road (A1123), from which a single vehicular access was proposed. The majority of the surrounding land to the north east and south was undeveloped agricultural land, with some scattered residential dwellings and other buildings. To the west was the village of Haddenham, with Orchard Way and the adjoining Pear Tree Close immediately to the west of the site.

The application had been brought to Planning Committee in accordance with the Council's Constitution, as it was over 50 dwellings.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph, the outline only with access of the proposal; a map of the proposed access and photographs taken from a number of viewpoints.

Speaking of the planning history, the Planning Team Leader said that application reference 14/00130/OUM had been refused permission at Planning Committee on 7<sup>th</sup> August 2014. The decision was appealed but the appeal was withdrawn before an Inspector was able to make a decision.

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Amenity;

- Highway Safety and Accessibility;
- Biodiversity and Ecology;
- Archaeology;
- Flood Risk and Drainage;
- Residential Amenity; and
- Other Matters.

Members noted that the application site was outside of but adjacent to the development framework. As the Council was currently unable to demonstrate a five year supply of housing land, the presumption should be in favour of sustainable development unless there were any adverse impacts in doing so.

In terms of economic benefits, the proposal would bring about some short term local employment. However, in terms of the environmental aspect, the proposal failed to respect the existing landscape setting of the village or enhance the biodiversity value of the site by an acceptable site-wide biodiversity strategy. In terms of social benefits, the proposal would result in an adverse impact on highway safety for all road users including pedestrians, and it did not mitigate against the impacts on the local infrastructure (health care and early years).

With regard to visual amenity, Haddenham was one of the highest points in the Fens and the northern ridge allowed long distance views towards Cambridge. This was part of Haddenham's historic landscape and highly distinctive landscape in the local area.

A Landscape Visual Impact Assessment had been submitted and the Landscape Consultant had concluded that development on these slopes was not characteristic of Haddenham and the proposal would not be easily integrated; the effect on the landscape would remain adverse in the longer term.

Speaking next of highway safety and accessibility, the Planning Team Leader said that the proposal was not supported by the Highways Authority. The vehicle movements associated with the new access would lead to conflict and interference with the passage of through vehicles and would therefore be detrimental to highway safety. The applicant had failed to submit further information to demonstrate that the proposed junction could be laid out to the correct guidance and Highways standards. Furthermore, there was inadequate pedestrian infrastructure to serve the proposed development.

The Committee noted that the application was accompanied by a Preliminary Ecological Appraisal (PEA) and a Bat Roost Potential Survey Report. The PEA was extended to cover Great Crested Newts and a further Bat Survey, and a Biodiversity Impact Assessment Calculator was also

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submitted to assess the biodiversity net gain. Advice from the County Wildlife Trust requested that further Great Crested Newt surveys should be undertaken. The Wildlife Trust advised that a biodiversity net gain had not been demonstrated and therefore could not be achieved based on the proposed illustrative layout.

Archaeology was significant in the previous application and formed the third reason for refusal. The site had archaeological significance and this application was accompanied by an Archaeological Evaluation which had been assessed by the County Council Archaeology team; no objections had been raised, subject to a condition requiring a Written Scheme of Investigation.

In connection with flood risk and drainage, it was noted that the application site lay within Flood Zone 1. A Flood Risk Assessment (FRA) and foul sewerage assessment had been submitted and assessed by the Environment Agency, Lead Local Flood Authority, and Anglian Water. No objections had been raised by any of the bodies and it was therefore considered that the proposed development complied with local and national policy.

With regard to residential amenity, matters such as appearance and scale would be considered as part of a reserved matters application if outline consent was granted. An odour assessment had been submitted and reviewed by the Council's Environmental Health Officer and no objections had been raised. The Council's Scientific Officer had reviewed the Contaminated Land report and supported the conclusions, recommending conditions relating to the submission of a full land contamination report, and requiring the developer to make the Authority aware of any future sources of contamination during construction.

Turning to other matters, the Planning Team Leader said the applicant had submitted a Heads of Terms document in which the need to contribute towards primary and secondary education was acknowledged. NHS England had identified a need for a contribution towards primary health care due to the pressures the development would bring on the local GP practice. This was not included within the Heads of Terms, contrary to Policy Growth 3 of the Local Plan.

The scheme would deliver 30% affordable housing, but it did not acknowledge or confirm the requirement to include a minimum of 5% self-build plots as part of the proposal. The application therefore failed to comply with Policy HOU 1 of the Local Plan.

The Planning Team Leader concluded by saying that the adverse impacts of the proposal significantly outweighed the benefits and the application was therefore recommended for refusal.

At the invitation of the Chairman, Councillor Chris Ray, Chairman of Haddenham Parish Council, addressed the Committee and made the following points:

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- He thanked the Case Officer for an excellent, balanced report;
- The Parish Council was against the application;
- The scheme was inappropriate and speculative;
- There were spectacular views from the hill in Haddenham and formed an important gap between Haddenham and Wilburton;
- The Parish Council had worked tirelessly to keep a sustainable level of development and recently had a CLT development approved;
- Haddenham are in the process of developing a 20-year Neighbourhood Plan to shape the future of the village;
- If the site was developed, it would cause congestion and pollution and the unacceptable effect on the village would be immense;
- What was the point of preparing a Neighbourhood Plan when something like this was thrown on you?
- This development is opportunistic and should not take place.

Councillor Schumann commented that he was disappointed that neither the applicant nor the agent had attended the meeting to address the Committee. He asked the Case Officer if they were present and she stated that they were not present at the meeting.

Councillor Wilson proposed that the Officer's recommendation for refusal be supported.

He noted that many comments had been received regarding the proposal but nobody seemed to think it was a good idea, and the developer had not taken the trouble to consult anyone or even come to the Committee meeting. The road junction had seen many accidents and near misses, and Members should follow the advice given by the County Council, Highways and residents.

The motion for refusal was seconded by Councillor Brown. He said he had served on the Planning Committee in 2014 and the previous application had attracted a big debate regarding the highways issues. It would be hugely dangerous to have traffic coming out onto this junction.

One Member said she wished to thank Haddenham Parish Council for developing a Neighbourhood Plan as she was aware of how much time and effort it took, and another commented that she found it refreshing to see the Parish Council and District Council working together.

The Chairman said he knew the junction well and it was shockingly dangerous; he considered the application to be 'truly dreadful' and this was a very special area with a beautiful view.

The Committee returned to the motion for refusal, and when put to the vote,

It was resolved unanimously:

That planning application reference 19/00214/OUM be REFUSED for the reasons given in the Officer's report.

**53. 19/00447/RMM – LAND ACCESSED BETWEEN 2 AND 4 FORDHAM ROAD, ISLEHAM**

Andrew Phillips, Planning Team Leader, presented a report (reference U104, previously circulated) which sought reserved matters consent for appearance, landscaping, layout and scale for 121 dwellings following outline permission (including details of access) under planning reference 18/00363/OUM.

Members were asked to note the tabled update which indicated the net and gross densities of the development; drainage remained a condition on the outline consent that would need to be discharged, and no new concerns had been raised in the neighbour responses although previous concerns were highlighted.

The site was located outside of, though adjacent to the village framework. The Isleham Recreation Ground was to the east of the site, with residential dwellings to the north and west. To the southwest were industrial units on Hall Barn Road and to the south was Fordham Road, onto which it was proposed that the application site would connect.

The approval for the outline consent (18/00363/OUM) was granted on the basis that any reserved matters were to be determined by Planning Committee, as well as the recommended conditions and completion of a S106 Agreement.

A number of illustrations were displayed at the meeting, including a site location plan, aerial view, indicative layout and full details of the proposal, elevations of the proposed street scene, and a slide showing the buffer zone.

The main considerations in the determination of the application were:

- Principle of development;
- Residential amenity;
- Visual impact and landscape;

- Highway safety and parking;
- Ecology; and
- Housing mix.

The Committee was reminded that the principle of development, the access onto the public highway and the impact upon local services, facilities and infrastructure was assessed at the outline stage and subsequently approved.

It was noted that the developer had provided the required buffer zone as defined by the outline application along the western and northern boundary. Bungalows were placed along the rear of the existing properties of The Briars and the distance between them would stop the existing dwellings overlooking future residents and protect residential amenity.

With the distances involved and as well as the orientation of plots 116 and 117, there was not considered to be any detrimental harm to the residential amenity of the existing dwellings on the north west edge of the site. Existing vegetation would be strengthened to the rear of the properties and the self-build plots would be duly fully assessed when these reserved matters were submitted.

The Planning Team Leader showed Members two slides relating to ground floor daytime and first floor night-time noise levels. Concerns had been raised that during the daytime Fordham Road was relatively noisy to the nearest properties. However, the noise level at night was much lower and it would not prevent people from sleeping with a partially open window.

It was noted that the proposal was primarily two storey, with some single storey and 2½ storey properties. The developer had amended the house type designs to provide more architectural details. The layout was considered to have been carefully thought through to ensure that principle elevations always faced roads/public open space and that shared driveways were overlooked. The proposed materials were considered to give a good variety on the site and the landscape was of a good quality which would provide an attractive vista into the village.

Approval had already been given at the outline stage for two access points onto Fordham Road, with one being for emergency access only. The developer had provided amended details to demonstrate that the highways widths met the requirements set out by the LHA to ensure the roads were designed to adoptable standards. Details of the emergency access had also been provided to comply with the requirements of Condition 21 on the outline consent.

36% of the properties would be provided with tandem parking and 64% with non-tandem parking spaces. With 254 parking spaces provided (not including the 50 garage spaces) this was just under the requirement of two spaces per dwelling and the visitor spaces of one space per four dwellings



sought by Policy COM 8. However, the developer had sought to provide as much visitor parking as possible while seeking to ensure that the roads remained adoptable.

Condition 16 in the outline application required each reserved matter to provide suitable biodiversity improvements in line with the submitted ecology reports. As well as the additional planting and SuDS details, the developer was also providing a range of bird and bat boxes, and invertebrate boxes. The level of biodiversity improvements was considered to be acceptable and a condition was recommended to ensure that the proposed measures were brought forward in a timely manner.

Members' attention was drawn to paragraphs 7.52 – 7.54, which set out the proposed housing mix. It was considered that the overall mix was acceptable and would provide for a wide range of people and families and it had a good social mix.

The Planning Team Leader concluded by saying that the proposal had been designed taking into account the constraints of the site, the requirements of the outline permission (including the S106) and the requirements of the statutory bodies. The scheme was considered to be acceptable and was therefore recommended for approval.

At the invitation of the Chairman, Mr Robert Eburne, Planning Director for Bloor Homes Eastern, addressed the Committee and made the following points:

- The application site was included in the draft Local Plan 2017 and the plans before the Committee today would build on the outline proposal and make good the promises made;
- There would be a great mix of homes with over 5% bungalows and 30% affordable housing;
- The application had great sustainability credentials. It would generate £1.2 million CIL and there would be £75k's worth of traffic calming, which would transform the village. There would be recreation land, an early years centre and a newly equipped area for play;
- This was not a speculative proposal and the development would be built between 2020 and 2023;
- Bloor was the only developer in the locality with a 5 star accreditation. The public and neighbours could be assured that the relationship with neighbouring properties would be respected. There would be no overlooking or overbearing;
- This would be an attractive low density development.

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A Member asked about the type of properties to be located along the boundary, as he had some concerns regarding the nature of the self-build dwellings. Mr Eburne advised that Bloor had its own approval process; while wanting people to have the freedom to choose, the dwellings would fall within Bloor's strict parameter plan and there would be an element of control for the self-build properties. The rest of the properties would be a mixture of single and two storey, in accordance with the parameter plans

Another Member enquired about the management of the buffer zone and Mr Eburne said some of the vegetation would be retained. It would be maintained by a management company with a precept on each property.

Members noted that cars would be parked in front of each property rather than in a communal car park and therefore could be charged from the properties if required. While the private drives shown on the plan would be built to adoptable standards, they would not be adopted by the County Council. A plan would be produced indicating the drop off and collection point for refuse bins.

A point was raised regarding the siting of the early years centre next to the Fordham Road. Mr Eburne responded that provision was absolutely needed and the County Council was content with the proposal. This facility was for the wider community and the drop off area would be a defensible space; it had been safety and health checked and would be pedestrian friendly.

Mr Eburne was next asked if consideration had been given to the incorporation of some one-bed market properties into the development. He replied that they were usually in the affordable dwellings and he believed the housing mix to be pretty complete in covering affordability.

At the invitation of the Chairman, Councillor Derrick Beckett, Isleham Parish Council, addressed the Committee and made the following comments:

- They had worked with Bloor before and expected good things of them, but there were some areas of concern;
- There were fears that with a footpath next to the early learning centre, it would become a drop-off area and parking should not be encouraged there;
- Need for and removal of emergency access to stop people parking on Fordham Road as this would be detrimental to the village;
- With regard to the western boundary, putting single storey properties along Hall Barn Road had been raised at the first opportunity;
- No 29b was not on the outline planning application, but would now have a gable end facing it. This would have a detrimental effect on light and overlooking and was not acceptable;

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- The buffer zone was a good idea but he would like some guidance as he believed it could become a haven for drug addicts and antisocial behaviour, and it would be close to the back gardens of The Briars;
- It was requested that the dwellings on Plots 109 to 115 should be single storey;
- There were worries about the public open space – would this become Phase 4 of the development?
- If the application was approved, there should be restrictions on the self-build and the permitted development right should be removed from the garages to allow them to be converted;
- A decision on the application should be deferred to allow issues to be addressed.

A Member expressed surprise that the houses in the north-west corner, nearest to Hall Barn Road, were to be two storey and Councillor Beckett replied that he felt they should be moved away and made single storey or just have dormers at the front.

At this point, the Chairman exercised his prerogative to allow Mrs Alison Bye to address the Committee. She made the following points:

- She lived at 29b Hall Barn Road and in April 2019 she had forwarded her comments on the application;
- She was unable to comment fully and so had made phone calls to the Planning department, but had received no answers;
- On 11<sup>th</sup> September 2019 she was horrified to see Plot 116 so close to her boundary;
- She was not blinkered and expected there to be development. The Parish Council had always requested bungalows and yet there were only 3;
- Bloor's liaison with the Parish Council was nul and void and the development would have a detrimental impact;
- Her bungalow was closest and she wanted fair treatment. She had trees and shrubs but they would offer no protection or privacy from the development when there were no leaves on them. There would also be a loss of light;
- She could recognise the affordable housing and it was not scattered through the site;

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- Plots 116 and beyond should be bungalows;
- Bloor Homes must have read all the comments. Concerns had been voiced and this was a democratic society, so everyone should work together. Bloor would move on from this development and the community would be left to deal with the issue. Bloor only knocked on my door this morning, they should have done this 2 years ago;
- She was just asking for fairness.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham & Isleham, addressed the Committee and read out the following prepared statement:

*'Thank you Chairman and members of the Committee for allowing me to speak on behalf of the residents of Isleham and in particular Hall Barn Road. You will have visited the site this morning and stood in the garden of 29b to see for yourselves the impact that parts of this development will have for residents. The developer talks of a 5 metre gap between the existing homes and the new houses as if it was a generous space which will ensure the quiet enjoyment of the current residents' homes and gardens. It will not. A 20 metre gap might, which would be possible if the developer moved the whole site away from the residents of Hall Barn Road instead of leaving a suspiciously large gap on the other side of the development. I understand the limitations of the Planning Committee, however the Directors of Bloor Homes could and in my opinion should listen to the residents who were promised much when the development was first mooted but have since been ignored and dismissed. All the residents are asking for is fairness and privacy. No-one should feel they cannot sit in their garden on a summer's day without being overlooked and fear that their bedroom can be looked into. This is unacceptable and I would ask that the Committee refuse this application until Bloor Homes listen to the pleas of residents and moves the site over away from Hall Barn Road or at the very least, ensure that there are no two storey dwellings along that side of the site.*

*When I hear from more than one resident that they are losing sleep and that the stress of what might happen to them in the future if this application goes ahead unaltered is making them ill then it is imperative that their voices are heard. I know you have the power to ask the applicant to go away and come back with a better and more considerate plan and I would ask that you do just that today.'*

The Planning Team Leader reminded the Committee that the application had been brought back as when the outline was approved, Councillors had asked for all the reserved matters to be determined by Committee and therefore the self-build plots would be before Committee to be determined once they had been submitted. It would be unfair to add additional conditions. With regard to the comments about antisocial behaviour at the buffer zone, the police had commented on the application and had raised no concerns. The early years centre would have visitor spaces located adjacent to the road and Highways had accepted it because of the benefits it would

bring. The only way to stop parking would be by having yellow lines and this would be a matter for the County Council.

The Planning Team Leader cautioned Members to be careful regarding amenity because the application complied with the Design Guide. If they refused permission, they could incur costs on appeal and if they wished to defer determination, they should be clear on the reasons.

In response to a Member's comment about the width of the roads, the Planning Team Leader said that the developer would ensure that the roads would be a uniform width and all would be constructed to adoptable standards.

The Chairman remarked that there seemed to be a lot of issues that required refinement and he proposed that determination of the application be deferred to allow them to be addressed. This was a very large scheme and Bloor had done a very good job, but the proposal needed fine tuning. The Planning Manager added that she wanted the reserved matters to come back before the Committee so that Members could focus on the update of the issues.

The motion for deferral was seconded by Councillor Jones and when put to the vote,

It was resolved unanimously:

That consideration of planning application reference 19/00447/RMM be DEFERRED for the following reason:

- Plots 116 and 117 need to be revisited.

*There followed a short break between 4.57pm and 5.12pm.*

**54. 19/00754/OUM – SITE NORTH OF 196 – 204 MAIN STREET, WITCHFORD**

Andrew Phillips, Planning Team Leader, presented a report (reference U105, previously circulated) which sought outline planning permission with only details of a single access onto Main Street, to allow for up to 44 dwellings; all other matters were reserved for future reserved matters applications.

The proposal also included public open space, sustainable drainage systems and other associated infrastructure.

The site was an open field located outside of the village framework and was between Main Street and the A142. Public Rights of Way (PRoW) defined the northern and western boundary, and Main Street was located to the south. There were several residential properties located adjacent to the southern boundary of the site and to the east was another open field.

It was noted that the application had been called in to Planning Committee by the Ward Members in order for it to have the public benefit of a Committee hearing.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph, a plan of the access to the proposal and an indicative layout of the proposal.

The main considerations in the determination of the application were:

- Principle of Development;
- Highway Impact and Parking;
- Residential Amenity;
- Visual Amenity;
- Housing Mix;
- Flood Risk and Drainage; and
- S106/Contributions.

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 Witchford Neighbourhood Plan was still at the early stages of preparation and therefore only limited weight could be applied to it. However, the Landscape Appraisal Final Report December 2018, prepared by a Chartered Landscape Architect, was considered to have significant weight in the determination of this application.

It was noted that during the application, the developer had reduced the number of access points onto Main Street from two to one in order to overcome the highway safety concerns raised by the LHA. The access was a 5.5 metre road with a 2 metre footway on the eastern side. Normally two footpaths were sought, but with the developer seeking to minimise the impact on 198 Main Street, and most people likely to be walking eastwards into the village, in this case a single footpath was acceptable.

Historically the County Council Highways Authority had underestimated the impact that the developments of North Ely and Lancaster Way would jointly have on the Witchford Road/A10 roundabout. The A142/Witchford Road 'Lancaster Way' roundabout is covered by CIL and the Councils were working with developers to overcome this problem.

In connection with residential amenity, the developer had maintained gaps between the highway and nos 196 and 198 Main Street. This would allow landscaping on both sides of the road and suitable boundary treatments to minimise the impacts of the proposal on these two properties.

It was considered that a future reserved matters application should easily be able to accommodate dwellings that prevented any significant harm to these properties, with sufficient set back distances and compliance with the Design Guide SPD. Subject to a well-considered layout, design and scale, the proposal would not have any detrimental impact on the residential amenity of other nearby properties.

The Planning Team Leader reiterated that the Landscape Appraisal Final Report considered the site to be within the character area of 'Common Side' where housing was mainly cul de sacs and gave importance to the historic lanes. The northern village edge was set back from the A142 by 'unkempt' land, which the proposed scheme would maintain through the indicative open space.

Members were reminded that the level of affordable housing would be 30%, with a split of 77% rented and 23% shared ownership and this would be secured in a S106 Agreement. At a reserved matters stage, fewer four bedroom dwellings would be sought and more two bedroom properties promoted.

The site was fully located within Flood Zone 1, though some of it was liable to surface water flooding, primarily along the eastern boundary. It met the sequential test of being in an area of low risk of flooding and was able to provide a layout to minimise long term impacts on property. Both the Lead Local Flood Authority and Anglian Water supported the proposal, subject to conditions.

In terms of S106 contributions, the proposal was expected to provide Public Open Space/SuDS provision and maintenance and waste bin provision. Early years/primary education would be negotiated but would depend on the County Council finding a suitable project. Secondary education and adult learning (library provision) would also be negotiated and secured as part of a S106.

Other matters such as archaeology, ecology and fire hydrants would be secured by conditions.

The Planning Team Leader concluded by saying that on balance, the application was recommended for approval, subject to conditions and a S106 Agreement.

At the invitation of the Chairman, Mrs Alison Mackenzie addressed the Committee and made the following remarks:

- She lived at 198 Main Street and the site access would be only 75cms from her property and run along the entire length of her garden. This would deny her enjoyment of her amenity;
- The headlights and brake lights from vehicles would cause a nuisance because her property would catch car lights from all angles;

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- Noise and pollution would also impact her amenity

Main Street was a cut-through. There was an alternative access via Marroway Lane and other byways, so why were this not considered, along with the impact on residents?

In response to a question from a Member, Ms Mackenzie confirmed that she had no objection to the houses, only the access to the site.

At the invitation of the Chairman, Ms Dawn Adams, Planning Manager for the applicant, addressed the Committee and made the following points:

- There had been detailed engagement, the applicant had worked openly and positively and listened to the concerns raised and made changes where possible;
- A number of planning permissions have been granted in Witchford, but it was sustainable and attractive and this application had been assessed and supported by the Officer in the context of the existing permissions;
- The applicant was happy to accept Condition 2 for a time limit of 2 years;
- Witchford Parish Council was willing to meet with the developer and comment on the application. It was appreciated that the Neighbourhood Plan was progressing, but it had a significant way to go;
- Parish Council comments were included where possible;
- There were no technical objections to the proposal. There would be a significant area of new planting and the development was within easy walking distance to the village;
- In response to Ms Mackenzie's comment about an alternative access, this was considered but not progressed. The landscaping would be immediately adjacent to 198 Main Street to try and soften the impact.

A number of Members expressed concern about the impact of plant and lorries coming past No. 198 to access the site, and causing damage to the cottage. Ms Adams replied that while a temporary access could be looked at, the proposed access (as shown) was the most suitable. The Planning Team Leader added that addressing damage to the cottage was a civil matter but the hours of construction could be conditioned.

The Chairman noted that Ms Adams had said the developer had worked constructively with the Parish Council and yet it seemed to him that the Parish Council did not want this development. Ms Adams confirmed that the Parish Council did object, but the developer had met with the Parish



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Council who were willing to look at and comment on the application, but did not support the proposal.

At the invitation of the Chairman, Parish Councillor Ian Boylett addressed the Committee and read out the following prepared statement:

*'Witchford Parish Council objects to the application and the recommendation of the Planning Officer and confirms all its reasons for objection set out previously to the Planning Officer.'*

*Additionally, the Parish Council advises Members that its Neighbourhood Plan is considerably more advanced than when the application was made. The Draft Neighbourhood Plan was subjected to Regulation 14 Consultation and the resulting Submission Version has been forwarded to ECDC for independent examination. ECDC has confirmed the Submission Version meets the statutory requirements and will now proceed to independent examination. ECDC has confirmed the 6 week publication period commenced 17<sup>th</sup> October 2019 and ends 28<sup>th</sup> November 2019. Examination is expected in January 2020 with a referendum being held in the spring. I can confirm that Luke Hall MP, Minister for Local Government, in a written reply to a question stated that 'weight should be given to relevant policies in emerging plans, including neighbourhood plans, according to their stage of preparation'. The Parish Council therefore contends that its Neighbourhood Plan (Submission Version) should be given significant weight by Members when considering this application.*

*The National Planning Policy Framework (NPPF) includes (para: 11,14 & 48) that where a planning application conflicts with an up to date development plan, including a Neighbourhood Plan, permission should not normally be granted. It also states that a Neighbourhood Plan should contain policies and allocations to meet its identified housing requirements. The Neighbourhood Plan meets these requirements as evidenced by:*

*ECDC's acknowledgement that the Neighbourhood Plan allocations greatly exceed the housing requirement of 252 dwellings to be met during the period 2018/20131 by delivering 330 dwellings. This excludes any small-site infill developments.*

*Witchford is a village with limited employment opportunities and facilities supporting day to day living. It has an excellently run Post Office that has a very limited sales area and it advertises its service with the slogan 'Think Post Office not Supermarket'. Public transport services to the village are poor and therefore residents need to use their cars to travel to Ely for shopping. Traffic volumes through the village have long been an issue, particularly at peak times of the day. The Parish Council contends that further housing development during the plan period is not sustainable for Witchford.*

*The Parish Council informs Members that the application site falls outside the Neighbourhood Plan (Submission Version) development envelope and conflicts with the Witchford Landscape Character Assessment adopted as part of the Neighbourhood Plan. It also draws Members to the education*

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*assessment made by CCC, which states that the completion of the developments within the Neighbourhood Plan will not necessitate the creation of additional student places at Rackham Primary School or Witchford Village College, but would necessitate expansion should additional housing development be approved. This, in respect of Rackham Primary school, would require additional land to be obtained to enable expansion and land is not currently available.*

*In summary the Parish Council considers the status of its Neighbourhood Plan (Submission Version) is a significant factor, the application is unsustainable for a number of reasons previously advised to the Planning Officer and that the adverse impacts of the development would significantly and demonstrably outweigh the benefits.*

*The Parish Council asks Members to refuse the application'.*

The point was made by a Member that the weight given to emerging plans had been a contention of this Committee and had been tested through appeals. Weight should be given at the appropriate point and the parameters had been set by the Planning Inspectorate. He disagreed that any weight could be given to the Witchford Plan until it had been adopted.

Councillor Boylett was asked by Councillor Stubbs, a Ward Member, how people felt about the proposal and he said that the majority of local residents objected to it. It was outside the development area of the Local Plan 2015 and with any more development at that end of the village, the traffic would be untenable.

The Planning Team Leader reiterated that only a limited reliance could be placed on the Neighbourhood Plan, whereas the Landscape Appraisal carried some weight.

A Member asked if the noise mitigation in Condition 7 included 196 and 198 Main Street and was advised that it was for the new housing and road noise from the A142. Conditions 5, 6 and 8 were for the protection of existing residents.

Speaking as a local Member, Councillor Stubbs said she had kept an open mind about this application all along. While she was new to the area, she had a feeling about how people felt and she therefore wished to propose that the Officer's recommendation for approval be rejected. The Parish Council had been very proactive and she appreciated the effort that had gone into the Neighbourhood Plan because it took a lot of commitment and cost. She hoped that limited weight could be given to the Plan, backed up by the Landscape Appraisal.

Councillor Wilson seconded the motion, saying that the development would cause a traffic impact at this rural end of Witchford and he considered the access to be in totally in the wrong place.

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There followed further debate during which a number of opposing views were put forward. The Chairman said he struggled to find the benefits of the scheme and would support refusal; he had called in the application because it was contentious. He also felt that Mrs Mackenzie's situation should be defended as she would be impacted by noise and pollution.

Another Member said Planning Officers and consultees were there to help the Committee make decisions. The Highways team had raised no objections, there was no impact regarding noise or pollution and no biodiversity impact. However, the access past 198 Main Street would impact on the resident and the development would impact on the beautiful, open countryside. Members should be mindful of the reasons for refusing the application to ensure that they are not putting the Authority in a position of having to pay costs if the application went to appeal and unreasonable reasons had been put forward.

The Planning Manager responded by saying that she understood Members' concerns about the impact on residential amenity and the character of the area, but they should be careful and consider the consultee responses. Based on consultee responses air pollution and highways safety would be extremely difficult to defend at appeal and she questioned where there was evidence to support noise nuisance on the proposed dwellings, given the consultee response from Environmental Health.

The Committee returned to the motion for refusal which, when put to the vote, was declared carried, there being 10 votes for and 1 vote against. Whereupon,

It was resolved:

That planning application reference 19/00754/OUM be REFUSED for the following reasons:

- It will cause harm to the residential amenity of existing properties; and
- It will harm the character and appearance of the area.

#### **55. 19/00966/OUM – LAND BETWEEN 27 AND 39 SUTTON ROAD, WITCHFORD**

Barbara Greengrass, Planning Team Leader, presented a report (reference U106, previously circulated) which sought outline planning permission for up to 70 dwellings together with public open space, landscaping, highways and drainage infrastructure. All matters were reserved apart from means of access and the proposal was to provide for a central access point onto Sutton Road.

Members were asked to note the list of matters arising which was tabled at the meeting:

- 1) Amended reason for refusal:

The application site is located on undeveloped land at the western edge of the village of Witchford, which currently makes a positive contribution to the setting of the village and as an important gateway to the village. Due to the existing landscape features and topography, the site will be clearly visible. The proposal will further elongate the built form of the settlement, towards the A142, urbanising the edge of the village, which currently has a rural settlement fringe character. The area in the vicinity of the site forms a rural transitional zone between the main built up part of the settlement to the countryside beyond. The proposed development of this site in principle, and for up to 70 dwellings, is excessive and would not give rise to a sustainable form of development, by reason of the density of built form. This would result in significant and demonstrable harm to the setting of the village in this gateway location, and the character and appearance of the countryside, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework, which states that the planning system should contribute to protecting and enhancing the natural and built environment and recognising the intrinsic character and beauty of the countryside.

2) Four additional letters of objection:

One had been circulated to Members on request. The others raised no new issues which were not already covered in the report.

3) Letter from Anglian Water:

Confirms that Witchford WRC is able to receive the development flows within its current permit. Whilst it is recognised that with cumulative growth the WRC will exceed its current permit, the Water Cycle Study did not break down development in terms of build rate. Development will happen over a period of time and Anglian Water continually monitors growth. When a WRC exceeds capacity due to growth, Anglian Water liaise with the Environment Agency.

The site was located at the western edge of the settlement, close to the junction with the A142 and on the southern side of Sutton Road leading onto Main Street. It abutted the settlement boundary along its north east corner, with residential development situated to the north east corner fronting Sutton Road. Further west adjoining the site was the frontage development of Briery Farm. A new dwelling was currently under construction within the garden of 39 Sutton Road, immediately adjacent to the site. Two new bungalows were nearing completion on the opposite side of the road to the north of the site.

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

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Impact;
- Residential Amenity;
- Access and Highway Safety;
- Flood Risk and Drainage; and
- Ecology and Archaeology.

With regard to the principle of development, the Authority was currently unable to demonstrate a five year supply of land for housing and therefore the presumption had to be in favour of sustainable development unless there were any adverse impacts in doing so.

As the Witchford Neighbourhood Plan was considered to be still at the early stages of preparation, only limited weight could be applied to it. However, the Landscape Appraisal Final report December 2018 had been prepared by a Chartered Landscape Architect to accompany and inform the Neighbourhood Plan, and was considered to have significant weight in the determination of this application.

Whilst the economic and social benefits of new housing would weigh in favour of this development, it was questionable whether it would satisfy the environmental dimension of sustainable development.

A number of sensitivities were identified in the Landscape Appraisal and it was clear that the development was not supported by the Appraisal. Although the site was bounded by a hedge along its frontage, it was not low lying with level topography; housing would be highly prominent and due to the rise in the landform, prominent against the skyline. The provision of a large residential development, in depth, in this location would be visually incongruous, prominent and intrusive in this open location and would not provide for a natural extension to the linear built form of this part of the village. It would detract from the rural and undeveloped character of this approach to the village, resulting in significant and demonstrable harm.

In connection with residential amenity, it was considered that an acceptable development could be designed at the reserved matters stage to ensure there were no adverse impacts on adjoining residents or future occupiers. While there would be an increase in noise and disturbance from the increase in traffic, the vicinity of the site was already impacted by road traffic noise from the A142, so it was not considered that this would cause a significant adverse effect.

The new access was situated in the middle of the site and its creation would involve the culverting the frontage ditch and removal of a section of frontage hedge. The application was accompanied by a Transport Statement

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which concluded that the development could be accommodated without significant impact upon the existing highway network. A Travel Plan had also been produced which sought to encourage sustainable forms of transport, walking and cycling.

Members noted that the detailed design of the access was acceptable to County Highways and the Transport Team accepted the findings of the Transport Statement subject to the mitigation measures as set out in paragraph 10.4 of the Officer's report.

Speaking next of flood risk and drainage, the Planning Team Leader said that Anglian Water had been consulted on the application and were satisfied that an upgrade of the Witchford Waste Recycling Centre (WRC) would not be required as part of the development.

The Flood Risk Assessment demonstrated that the development would not lead to greater risks of flooding either on or off site. The Lead Local Flood Authority was content that the proposed scheme was acceptable and the scheme was therefore considered to comply with policy.

The application was accompanied by a Preliminary Ecology Appraisal which concluded that there was no evidence to suggest any over-riding ecological constraints to the current proposals. Biodiversity improvements to the site could be secured by condition.

The Historic Environment Team were satisfied that archaeological investigations could be secured by condition.

It was noted that the applicant had agreed to provide 30% affordable housing, in compliance with Policy HOU3, and an education contribution would be sought for early years, primary and secondary school places.

The Planning Team Leader concluded by saying that while the proposed housing would contribute to the District's housing shortfall, it was considered that the scheme did not represent a sustainable form of development. It would create a prominent and urbanising intrusion causing significant and demonstrable harm to the character of the countryside and this edge of settlement location. The application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Stuart Braybrooke addressed the Committee and made the following comments:

- He had lived in Witchford for 27 years and was here to represent residents of the village;
- The objections received were an indication of the strength of feeling in the wider community;

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- This was a gateway location and Policy ENV1 stated that it should be protected. It was a beautiful green area, so how could 70 lumps of concrete make it more beautiful?
- This entrance to the village currently only had 7 dwellings next to it, so the development would be completely out of keeping;
- The site would be highly incongruous in this elevated location and would sprawl into the countryside;
- The Landscape Appraisal had been produced by a chartered landscape architect and it put forward that new housing on the south edge of the village should be avoided, as should low scale buildings, grassland and manufactured road layouts;
- Housing stock had been mentioned in the Neighbourhood Plan. Witchford had already taken 330 new dwellings, therefore no more were needed;
- The development would be a mile from the village centre, the bus services were poor and there was risk of flooding. Residents' gardens already flooded in the winter;
- The schools were oversubscribed;
- Sustainability issues had not been addressed;
- The Committee should refuse this incongruous annexe to the village.

At the invitation of the Chairman, Ms Lydia Voyias, agent for the applicant, addressed the Committee and made the following points:

- The applicant was seeking outline permission for a scheme that would enhance the vitality of Witchford;
- The proposal addressed the housing shortfall and would make a valuable contribution to the District's land supply and would provide 30% affordable housing;
- All areas had been agreed except the visual impact, and the site was not subject to any specific landscape strategy;
- The proposed development would have landscaping and tree planting to create a soft edge;
- There would be an opportunity for orchard planting;
- It would be a gateway development and will not significantly and demonstrably harm the area

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- The applicant would make a financial contribution to highways and education and bus stops;
- The Neighbourhood Plan had not been examined or endorsed and should therefore carry only limited weight;
- There were no known constraints regarding deliverability. The presumption should be in favour of sustainable development and outline permission should be granted.

A Member wished to know how much the proposal was supported by the local community. Ms Voyias replied that there was not much support, in fact the scheme had largely been met with objections. In response to another question about sustainability, she explained the three elements, as set out in the NPPF; 21 affordable dwellings would be in accord with the social element and the economic aspect would be fulfilled during the construction phase. The environmental benefits would bring increased planting and bird and bat boxes.

At the invitation of the Chairman, Parish Councillor Ian Boylett addressed the Committee and read out the following prepared statement:

*'Witchford Parish Council supports the Planning Officer's recommendation to refuse the application and confirms all its reasons for objection set out previously to the Planning Officer. Mr Braybrooke's presentation is also acknowledged.*

*Additionally, the Parish Council advises Members that its Neighbourhood Plan is considerably more advanced than when the application was made. The Draft Neighbourhood Plan was subjected to Regulation 14 Consultation and the resulting Submission Version has been forwarded to ECDC for independent examination. ECDC has confirmed the Submission Version meets the statutory requirements and will now proceed to independent examination. ECDC has confirmed the 6 week publication period commenced 17<sup>th</sup> October 2019 and ends 28<sup>th</sup> November 2019. Examination is expected in January 2020 with a referendum being held in the spring. I can confirm that Luke Hall MP, Minister for Local Government, in a written reply to a question stated that 'weight should be given to relevant policies in emerging plans, including neighbourhood plans, according to their stage of preparation'. The Parish Council therefore contends that its Neighbourhood Plan (Submission Version) should be given significant weight by Members when considering this application.*

*The National Planning Policy Framework (NPPF) includes (para: 11,14 & 48) that where a planning application conflicts with an up to date development plan, including a Neighbourhood Plan, permission should not normally be granted. It also states that a Neighbourhood Plan should contain policies and allocations to meet its identified housing requirements. The Neighbourhood Plan meets these requirements as evidenced by:*

*ECDC's acknowledgement that the Neighbourhood Plan allocations greatly exceed the housing requirement of 252 dwellings to be met during the*



*period 2018/20131 by delivering 330 dwellings. This excludes any small-site infill developments. The Parish Council contends that further housing development during the Plan period is not sustainable for Witchford.*

*The Parish Council advises Members that the application site falls outside the Neighbourhood Plan (Submission Version) development envelope and conflicts with the Witchford Landscape Character Assessment adopted as part of the Neighbourhood Plan. It also draws Members to the education assessment made by CCC, which states that the completion of the developments within the Neighbourhood Plan will not necessitate the creation of additional student places at Rackham Primary School or Witchford Village College but would necessitate expansion should additional housing development be approved. This, in respect of Rackham Primary school, would require additional land to be obtained to enable expansion.*

*In summary the Parish Council considers the status of its Neighbourhood Plan (Submission Version) is a significant factor, the application is unsustainable for a number of reasons previously advised to the Planning Officer and set out in The Planning Officer's recommendation. Also that the adverse impacts of the development would significantly and demonstrably outweigh the benefits.*

*The Parish Council asks Members to accept the Planning Officer's recommendation to refuse the application.'*

Councillor Boylett was asked if the Parish Council knew which additional land would need to be acquired by the County Council for education. He replied that it was near the primary school; the application had been refused but had gone to appeal.

At the invitation of the Chairman, Councillor Lorna Dupré addressed the Committee in her capacity as a County Council Member and made the following remarks:

- As the District Members, being Chairman and Vice Chairman of the Committee, would not be speaking on this item, she had been approached by several local residents to represent them in support of the Officer's recommendation for refusal;
- Objections were based on the gateway location of the site because it was an important transition area;
- The proposal was contrary to Policy ENV1 and ENV2. It was not supported by the Landscape Appraisal and was opposed by Witchford Parish Council;
- She hoped that the Committee had watched Mr Braybrooke's video;
- The scheme gave no evidence of sustainability, it was located on the wrong side of Ely and was outside the development envelope;

- This was inappropriate intensification because Witchford had over 330 completions and approvals;
- There was a risk of flooding and the development would reduce the available green space;
- Manor Oak's interest in the site was not long term;
- She requested the Committee refuse the application.

Making reference to Councillor Dupré's written submission, Councillor Brown said he had found some of her comments inappropriate. He had bitter experience of disqualifying himself from an application where he was pre-determined and he believed the best way was for Members to take part and vote and not disqualify themselves.

Councillor Dupré responded by saying that it was important for her to make clear why she was speaking. This was not something she would do as a matter of course; she had been approached by local residents who wanted representation at the meeting.

The Chairman said that Members always welcomed information from residents. He and Councillor Stubbs had been subjected to a relentless blizzard of communications, some of which had been upsetting and was of no credit to the authors. It was disgraceful but had not influenced them.

The Chairman duly proposed that the Officer's recommendation for refusal, as amended, be supported.

He had lived in the area for well over 70 years and was well aware of the speed limits and stick-outs. The location was a clear gateway to the village and development would cause significant and demonstrable harm to the character of the area. The junction would become more dangerous and he believed the location should stay as a food producing area. The Parish Council had worked hard on the Neighbourhood Plan.

The motion for refusal was seconded by Councillor Stubbs and when put to the vote:

It was resolved unanimously:

That planning application reference 19/00966/OUM be REFUSED for the reasons given in the Officer's report.

**56. 19/01030/FUL – LAND ADJACENT TO 58 WEST STREET, ISLEHAM**

Rachel Forbes, Planning Officer, presented a report (reference U107, previously circulated) which sought planning permission for a four bedroom detached dwelling with new vehicular access and associated works.

The application site formed part of the existing residential garden area at 58 West Street and would be accessed from West Street through an existing private drive between 54 and 56 West Street. To the south east were single storey bungalows in modest plots which fronted West Street. To the north-west were numbers 58 and 58a, and to the east of the site was a private drive which was lined with TPO trees.

It was noted that the application had been called in to Committee by Councillor Julia Huffer as she considered the application to be worthy of a wider discussion.

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

The main considerations in the determination of the application were:

- Principle of development;
- Visual amenity;
- Residential amenity;
- Highway safety and parking;
- Historic Environment;
- Ecology and trees; and
- Flood risk and drainage.

The Planning Officer summarised the history of the site, which included four previous applications. Three had been approved and one had been refused with a subsequent appeal being dismissed.

With regard to the principle of development, the Authority was currently unable to demonstrate a five year supply of land for housing and therefore the presumption had to be in favour of sustainable development unless there were any adverse impacts in doing so.

The site was outside of but adjacent to the development framework boundary and located within existing residential development. It was within a 10 minute walk to the services and amenities on offer in the village and was therefore considered to be in a sustainable location.

With regard to visual impact, it was considered that the proposed dwelling did not relate well to its surroundings due to its orientation. The introduction of a third dwelling would result in an unbalanced appearance and erode the symmetry between the existing two plots. This had been the

conclusion of the Planning Inspector when considering the appeal on planning application 17/00896/OUT.

The proposal would not result in a significant impact on the adjacent neighbours and the plot size and amenity space was considered to be adequate. However, insufficient distance was provided between the direct facing windows on the side elevation of the proposed dwelling and the windows on the rear elevation of 56 West Street.

The County Council Archaeology Team had been consulted as part of the application and had commented that previous investigations had overlapped part of this site. There might be limited additional information to be gained by further evaluation trenching, but it was debateable whether it could be justified under the terms of the NPPF. It was considered that it would be unreasonable to impose a condition for further investigation.

Given the presence of the dwellings to the north of the site and the separation distance between the proposed dwelling and the listed buildings, it was considered that the proposal would not result in harm to the setting of the listed building.

It was noted that the Local Highways Authority had raised no objection in principle to the scheme. The development would benefit from an existing access with the highway and there would be sufficient space on site for parking and turning.

No ecological assessment had been submitted and the application form stated that there was not a reasonable likelihood of protected or priority species, designated sites or geological features being affected by the proposed development. It was considered under application 14/00309/FUL that the proposal was unlikely to result in any adverse impact to biodiversity or protected species given the location of the site. The TPO trees were to be retained and there would be new planting of trees and hedgerow to provide biodiversity enhancements.

The Planning Officer concluded by saying that the proposal was considered to result in harm to the character and appearance of the area, as it would erode the existing symmetry and spacious character of the two existing dwellings. It did not relate well to its surroundings due to its orientation and would result in significant harm to residential amenity due to a direct overlooking impact. The application was therefore recommended for refusal.

At the invitation of the Chairman, Mrs Clarke addressed the Committee and made the following comments:

- The Parish Council had not objected to the proposal and neither had the Highways Authority or the neighbours;
- The character of this part of the village had changed over the years and backland development had been allowed for some properties;

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- The orientation of the dwelling, when viewed from West Street, would not be out of keeping;
- The window in the side elevation was for the bathroom and could be fixed and obscure glazed, so there would be no direct views;
- The Design Guide was just a guide;
- The proposal would be a much more efficient use of the land, which had been left to the family;
- Development in sustainable locations should be approved and this scheme would not cause the harm alluded to.

A number of Members were of the view that the application should be granted approval. The Parish Council and local community had not raised any objections and if one looked to the west of the site, development was happening there. The Case Officer had based her recommendation on planning reasons and said that the application should be refused, only if it caused significant and demonstrable harm, but to whom was the proposal causing harm? This dwelling would have its own access and would be the last one on the site

Other Members took an opposing view, saying that an almost identical application for another house had been dismissed at appeal. The area was not replete with houses and it should stay that way because adding a further house would continue development. The Committee should give significant weight to the Planning Inspector's view and refuse permission.

The Chairman reiterated that planning officers were professionals who had undergone much training and Members should take note of their advice. Today's decision would have an impact for many hundreds of years; this Lane was special and the application should be refused.

It was duly proposed by Councillor Trapp and seconded by the Chairman that the Officer's recommendation for refusal be supported. When put to the vote the motion was declared lost, there being 5 votes for and 6 votes against.

It was next proposed by Councillor Brown and duly seconded that the application be granted approval. When put to the vote, the motion was declared carried, there being 6 votes for and 5 votes against. Whereupon,

It was resolved:

That planning application reference 19/01030/FUL be APPROVED for the following reasons:

- It is in a sustainable location;

- It will not cause significant harm; and
- With the imposition of suitable conditions it would not have an adverse impact on amenity.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions.

**57. PLANNING PERFORMANCE REPORT – SEPTEMBER 2019**

The Planning Manager presented a report (reference U108, previously circulated) which summarised the planning performance figures for September 2019.

It was noted that the Department had received a total of 203 applications during September 2019, which was a 17% increase on September 2018 (174) and a 4% decrease from August 2019 (196).

The Planning Manager said that 8 valid appeals had been received, and 2 had been determined, with both having been allowed.

Councillor Brown congratulated the Planning Manager and her team for all their hard work.

Councillor Ambrose Smith wished to know if Enforcement was still struggling with the heavy workload. The Planning Manager replied that a new Officer was settling in post, but the team was getting there.

Councillor Schumann wondered if the targets for DIS/NMA were overly ambitious and suggested that the Chairman should meet with the Planning Manager to set more appropriate levels. The Planning Manager said she would be happy to have discussions, adding that archaeology and contamination matters often took a long time to resolve.

It was resolved:

That the Planning Performance Report for September 2019 be noted.

**58. EXCLUSION OF THE PRESS AND PUBLIC**

It was resolved:

That the press and public be excluded during the consideration of the remaining item no. 15 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 Categories 2 & 6 of Part I Schedule 12A to the Local Government Act 1972 (as amended).”

**59. EXEMPT MINUTES – 2<sup>ND</sup> OCTOBER 2019**

The Committee received the exempt minutes of the Planning Committee meeting held on 2<sup>nd</sup> October 2019.

The Planning Manager provided Members with an update on the non-compliance Notice, saying that a company had been instructed to take the matter forward and a provisional date of either 12<sup>th</sup> or 19<sup>th</sup> November 2019 had been agreed.

The subjects of the Notice had been informed and Enforcement was now working with the Press team and the Chairman of Planning Committee. It was not the intention to be on the defensive, but rather to look after the other local residents and improve their amenity.

A Member asked if at some point the neighbours would be informed of what was going on and if Members could speak of it. The Planning Manager said they could say that action was to be taken and the Legal Services Manager advised that they should not disclose any specific detail at this point.

It was resolved:

That the Exempt Minutes of the meeting of the Planning Committee held on 2<sup>nd</sup> October 2019 be confirmed as a correct record and signed by the Chairman.

The meeting closed at 7.21pm.

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**MAIN CASE**

**Reference No:** 19/00100/FUM

**Proposal:** The erection of new accommodation and welfare facilities to extend the existing provision at Wings Hostel

**Site Address:** Site South Of Wings Hostel Station Drove Shippea Hill  
Cambridgeshire

**Applicant:** Barway Services Ltd

**Case Officer:** Richard Fitzjohn, Senior Planning Officer

**Parish:** Ely

**Ward:** Ely North  
Ward Councillor/s: Simon Harries  
Alison Whelan

**Date Received:** 27 February 2019      **Expiry Date:** 8  
November  
2019

[U132]

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**1.0      RECOMMENDATION**

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

- 1      Approved plans
- 2      Time Limit - FUL/FUM - 2+ dwelling
- 3      Temporary permission
- 4      Agricultural occupancy of caravans
- 5      Caravan occupancy numbers
- 6      Office & welfare facilities restriction
- 7      Archaeological Investigation
- 8      Surface water drainage scheme
- 9      Surface water drainage maintenance
- 10     Finished floor level heights
- 11     Bus management plan
- 12     Soft landscaping scheme
- 13     Hard landscaping scheme



- 14 Car and bus parking
- 15 Biodiversity Improvements
- 16 Construction and delivery times
- 17 Foul water drainage scheme

## 2.0 **SUMMARY OF APPLICATION**

- 2.1 Planning permission is sought for the provision of additional temporary rural workers' accommodation and welfare facilities, to extend the existing provision, at Wings Hostel, Shippea Hill. The proposal would increase the amount of temporary rural workers' accommodation on the site from 71 portacabins to 148 caravans / cabins, in addition to providing an on-site shop, recreational and welfare facilities and additional parking. The proposal would increase the capacity of the accommodation on the site from 408 people to 592 people, between the period of 1<sup>st</sup> May to 31<sup>st</sup> October in any year.
- 2.2 Wings Hostel is an established temporary seasonal agricultural workers accommodation site associated with G's, a large local grower and producer of vegetables and salad in the area.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 **PLANNING HISTORY**

- 3.1
- |              |   |          |            |
|--------------|---|----------|------------|
| 16/01478/VAR | Variation of condition 2 (Seasonal Occupancy Period) of previously approved 03/00978/ful for extension to seasonal stationing of portacabins for dormitory accommodation (inc. toilets, shower, mess room, and kitchen facilities) for seasonal agricultural student workers. | Approved | 11.08.2017 |
| 16/01476/VAR | Variation of condition 3 (Seasonal Occupancy Period) of previously approved 04/00048/FUL for Seasonal stationing of portacabins for dormitory accommodation (inc. toilets, showers, mess room & kitchen) for agricultural student workers.                                    | Approved | 06.01.2017 |

16/01475/VAR	Variation of condition 2 (Seasonal Occupancy period) of previously approved 13/00186/FUL	Approved	08.08.2017
16/01473/VAR	Variation of condition 3 (Seasonal employee use only) of previously approved 15/00221/FUL for Proposed social facility for Wings Hostel for the sole use as a social/recreational facility for temporary workforce as a non profit making facility	Approved	06.01.2017
16/00282/VAR	To vary condition 1 (Time Period) of previously approved 11/00165/FUL for Erection of a refurbished 9 bay modular unit (9.6m x 27m) for use as welfare facilities, change of use of existing amenity units to dormitory accommodation (Retrospective)	Approved	06.05.2016
15/00246/FUL	Additional accommodation for seasonal staff. Upgrade welfare and recreational facilities.	Approved	11.05.2015
15/00244/FUL	Continued siting of site accommodation units for seasonal workforce ( Previously approved planning application 04/00048/Ful)	Approved	13.05.2015
15/00221/FUL	Proposed social facility for Wings Hostel for the sole use as a social/recreational facility for temporary workforce as a non profit making facility	Approved	13.05.2015

13/00596/DISA	To discharge condition 2 (Surface & Foul Water Drainage) of decision notice dated 20/09/2013 for variation of condition No 3 of 03/00978/FUL to extend the permission for a further 5 years.		11.08.2017
13/00596/VAR	Variation of condition No 3 of 03/00978/FUL to extend the permission for a further 5 years.	Approved	19.09.2013
13/00186/DISA	To discharge Condition 4 (Planting) and Condition 5 (Foulwater) of decision dated 13 June 2013 of previously approved 13/00186/FUL for Phase 4-5 staffing facilities comprising 14 sleeping units & 7 welfare facilities (toilets showers & kitchens) - temp development		01.08.2017
13/00186/FUL	Phase 4-5 staffing facilities comprising 14 sleeping units & 7 welfare facilities (toilets showers & kitchens) - temp development	Approved	13.06.2013
11/00165/FUL	Erection of a refurbished 9 bay modular unit (9.6m x 27m) for use as welfare facilities, change of use of existing amenity units to dormitory accommodation (Retrospective).	Approved	25.05.2011
09/00260/FUL	Proposed new social facility	Approved	09.06.2009
09/00259/VAR	Variation of condition No. 3 of application 04/00048/FUL to extend time permission for a further 5 years	Approved	21.05.2009

08/00768/VAR	Variation of condition No 3 of E/03/00978/Ful to extend the permission to site 10 portacabins for a further 5 years.	Approved	01.09.2008
08/00660/VAR	Variation of Condition 3 - E/03/00518/FUL to be extend time limit for a further 5 years	Approved	22.07.2008
04/01180/FUM	Seasonal stationing of portacabins for dormitory accommodation for agricultural student workers.	Approved	17.11.2004
04/00048/FUL	Seasonal stationing of portacabins for dormitory accommodation (inc. toilets, showers, mess room & kitchen) for agricultural student workers (seasonal)	Approved	10.03.2004
03/00978/FUL	Extension to seasonal stationing of portacabins for dormitory accommodation (inc. toilets, shower, mess room, and kitchen facilities) for seasonal agricultural student workers.	Approved	12.11.2003
03/00518/FUL	Seasonal stationing of portacabins for dormitory accommodation (including toilet, shower, mess room & kitchen facilities) for seasonal agricultural student workers	Approved	03.07.2003

#### **4.0 THE SITE AND ITS ENVIRONMENT**

4.1 The site is located within the countryside, to the south west of the A1101 and Shippea Hill Station. The site is accessed from Station Drove, which is located off the A1101 and is also located adjacent a railway line. It is an established temporary seasonal agricultural workers accommodation site with associated ancillary buildings, located adjacent an existing farmhouse building. The existing portacabins are temporary structures (not permanent buildings) and the previously approved facilities are already existing. The site is located some distance from the A1101 and is well screened by established landscaping, comprising trees and hedging. The site

is operated by G's, a large local grower and producer of vegetables and salad in the area, whose head office is located at Barway.

## **5.0 RESPONSES FROM CONSULTEES**

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

### **5.2 City of Ely Council - 26 March 2019**

Although not against the use of the site to extend the existing provision, raised concerns that there was not enough parking for the number of proposed units.

### **5.3 Ward Councillors**

No Comments Received

### **5.4 Consultee For Other Wards In Parish**

No Comments Received

### **5.5 West Suffolk District Council**

No Comments Received

### **5.6 Cambridgeshire Archaeology - 12 March 2019**

The site lies in an area of high archaeological potential. Do not object, but request a planning condition requiring an archaeological investigation.

### **5.7 Local Highways Authority - 8 May 2019**

No objections. The junction layout and 10m wide access road for 15m in to the site is suitable for the increase in traffic. Note the following:

1. The 40 parking spaces are not shown.
2. There is no accessible bus stop.
3. There are no footways / cycleway in this area.
4. The 5m wide internal access road is not wide enough for two buses/coaches/HGVs to pass simultaneously.

### **5.8 County Highways Transport Team - 28 August 2019**

The site is in a rural location but given the shuttle bus service being provided the Highway Authority has no sound reason to object.

There are 40 existing spaces associated with the existing site and 70 proposed with the new development. The parking allocation is enough to support the 610 residents and 20 total staff.

The development will not have a severe impact on the highway network.

The additional shuttle bus information is acceptable for use.

No objection subject to the following condition:

- Prior to first occupation, a bus management plan is submitted to and approved in writing by the Local Planning Authority to manage the buses during the AM and PM shift changes.

#### **5.9 County Highways Transport Team - 20<sup>th</sup> March 2019**

- Raised concerns regarding parking provision.
- Notes that the applicant states the A1101 is not considered to be desirable or convenient for walking and cycling.
- Notes that the residents of Wings Hostel are seasonal agricultural workers and G's Fresh provides private bus transportation to transport staff to various farms as well as recreational and business trips.
- Requested further information about the private shuttle bus for recreational and business trips.
- There are no accidents clusters within the vicinity.
- Due to a potential impact on the highway network from private cars, requested that the applicant surveys the A1101 to gain an understanding of current vehicle flows and includes private cars within the trip generation.
- The site master plan states that there are 6 proposed coach parking bays. A bus management plan was requested to ensure the bays will be sufficient for the 40 two way bus trips during each peak.
- The application did not include sufficient information to properly determine the highway impact of the proposed development and requested further information prior to determination of the application.

*[The requested information has since been submitted and reviewed – see consultation response dated 28<sup>th</sup> August 2019].*

#### **5.10 Environmental Health – 3<sup>rd</sup> June 2019**

Happy with the information provided. However, raised that a shower or bath should be provided per 5 persons.

Re-iterates that minimum room sizes will need to be adhered to if caravan / cabin sizes are different, and re-iterates advice regarding fire safety measures and licensing requirements.

#### **5.11 Environmental Health - 9 May 2019**

No comments to make.

#### **5.12 Environmental Health - 7 May 2019**

Nothing to add to previous comments.

#### **5.13 Environmental Health - 5 March 2019**

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

The appropriate methodology has been used in the Noise Impact Assessment and the findings demonstrate that internal levels will be achieved with a partially open window during the night. During the day, the report indicates that a worst case

scenario will lead to a exceedance of 2dB internally. Internal target levels may be relaxed by up to 5dB (as stipulated in BS8233) and reasonable internal conditions still achieved. It is a matter of planning judgement as to whether this proposal is considered necessary or desirable and whether the relaxation can therefore be justified. The report states that the part of the site predicted to have the slight exceedance is the existing site and not the extension.

**5.14 Environmental Health - 5 March 2019**

No objections, but due to a lack of information / floor plans raised concerns relating to layout and facilities within the caravans / cabins. Provided guidance on cabin sizes, fire safety measures and licensing requirements. Requested additional information in relation to the concerns raised.

*[The requested information has since been submitted and reviewed. Environmental Health's concerns have been addressed – see consultation response dated 3<sup>rd</sup> June 2019].*

**5.15 Lead Local Flood Authority - 28 March 2019**

No objection in principle. The drainage strategy demonstrates that surface water from the proposed development can be managed appropriately to allow the site to drain via infiltration at the source. The drainage strategy is subject to infiltration testing and, if this fails, the surface water will drain into an IDB watercourse.

The site currently lies within protected Flood Zone 3. The greatest flood level at the site has been modelled as 3.25 metres AOD during a 1 in 100 year event plus a 35% allowance for climate change. However, the lowest defence level is 3.672 metres, suggesting that the site is unlikely to experience fluvial flooding due to the level of protection provided by current defences. Nevertheless, the caravans / cabins will be secured to the ground by means of chains or similar to prevent buildings from becoming unstable and washing away during the unlikely event of a breach of defences. Surface water flooding is only expected to occur in minor isolated patches of low topography at a depth of less than 300mm across the site during a Low Risk scenario. This risk will be mitigated by raising caravan / cabin floor levels 0.5 metres above existing ground level *[as per the details proposed within the submitted Flood Risk Assessment and Drainage Strategy]*. However, the Lead Local Flood Authority's recommended condition relating to finished floor levels states that the finished floor levels of the caravans / cabins shall be set no lower than 150 mm above ground level, except in those areas of the site that are shown by the Environment Agency Risk of Flooding from Surface Water maps to be at medium/high risk of flooding from surface water where finished floor levels shall be set no lower than 300 mm above ground level.

Water quality has been adequately addressed.

Request conditions requiring a detailed surface water drainage scheme, long-term SuDS maintenance, finished floor levels and infiltration testing.

**5.16 Anglian Water Services Ltd - 8 March 2019**

No comments to make.

**5.17 The Ely Group Of Internal Drainage Board - 15 March 2019**

No objection. It is essential that soakaways do not cause flooding to neighbouring land. Consent from the IDB would be required to discharge into IDB watercourse.

**5.18 Environment Agency - 20 March 2019**

The NPPF states development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk.

Have reviewed the submitted Flood Risk Assessment (FRA) with regard to tidal and designated main river flood risk sources only. Consider that the main source of flood risk at the site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). As such, has no objection on flood risk grounds. However, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

**5.19 ECDC Trees Team – 26 September 2019**

*[Following receipt of an amended plan retaining tree T13 as per ECDC Trees Team comments dated 19<sup>th</sup> June 2019]* The revised plan that includes the retention of the mature Horse Chestnut tree is an improvement. A high quality soft landscaping scheme will be required for this application which can be done by condition, this will aid the assimilation of the site into the wider landscape.

**5.20 ECDC Trees Team - 19 June 2019**

*[Following receipt of an arboricultural report with full appendices included]* Requested further thought given to the design as Category B T13 (mature Horse Chestnut) should be retained. Established large trees such as the Horse Chestnut aid the speed at which a new development can integrate into the wider landscape, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Has concerns the proposal has a very dense layout and will have a negative impact upon the landscape character of the area, in conflict with policy ENV1 of the Local Plan. However, acknowledges there is existing habitation use which currently impacts views and therefore does not object.

**5.21 ECDC Trees Team - 30 May 2019**

Was not possible to fully assess the amendment as the appendices for the tree report were missing. *[The missing appendices of the arboricultural report have since been received by the LPA].*

**5.22 ECDC Trees Team - 28 March 2019**

An Arboricultural Method Statement and Arboricultural Impact Assessment was requested. A soft landscaping scheme would also aid consideration of the application as it will show what mitigation planting is proposed. *[An arboricultural report has since been received by the LPA].*

**5.23 Design Out Crime Officers - 22 March 2019**

No objection, comments or recommendations.



**5.24 Housing Section - 15 April 2019**

Supports the above application in principle as it will help to meet policy HOU 5; Dwellings for Rural workers, as it is an extension to an established seasonal, agricultural workers accommodation.

**5.25 Network Rail**

No Comments Received

**5.26 Economic Development**

No Comments Received

**5.27 Waste Strategy (ECDC)**

No Comments Received

**5.28 East Cambridgeshire Access Group - 27 March 2019**

All development should comply with BS8300:2009 and Building Regulations Part M. Concerns regarding accessible parking provision, access to caravans / cabins and community facilities not being step free, cramped accommodation / overcrowded, no lighting provision or signage. Disappointed by the accommodation.

**5.29 CCC Growth & Development**

No Comments Received

**5.3 Neighbours**

A site notice was displayed near the site on 15<sup>th</sup> April 2019, however no neighbouring properties were directly notified. A press advert was published in the Cambridge Evening News on 14<sup>th</sup> March 2019. No responses have been received.

**6.0 The Planning Policy Context**

**6.1 East Cambridgeshire Local Plan 2015**

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 5	Dwellings for rural workers
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 1	Location of retail and town centre uses
COM 7	Transport impact
COM 8	Parking provision
EMP 2	Extensions to existing businesses in the countryside

## 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

## 6.3 National Planning Policy Framework 2019

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

6 Building a strong competitive economy

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

16 Conserving and enhancing the historic environment

## 7.0 **PLANNING COMMENTS**

7.1 The main issues to consider in the determination of this planning application relate to the principle of development and the impacts on the character and appearance of the area, residential amenity, highway safety and transport impact, flood risk and drainage, ecology, archaeology and trees.

### 7.2 **Principle of Development**

7.2.1 Policy HOU5 of the Local Plan relates to '*permanent*' dwellings for rural workers. The proposal is for the stationing of '*temporary*' caravans / cabins to provide accommodation for seasonal workers, agreed by the applicant / agent to be for a period of 10 years. Therefore, policy HOU5 does not strictly apply to the proposal. However, the Local Plan does not include a policy relating to temporary accommodation for rural workers and therefore the proposal does not fall neatly into any Local Plan policy. Policy HOU5 is however considered to be one of the most relevant policies to the proposal and therefore significant weight should be given to this policy when assessing the application.

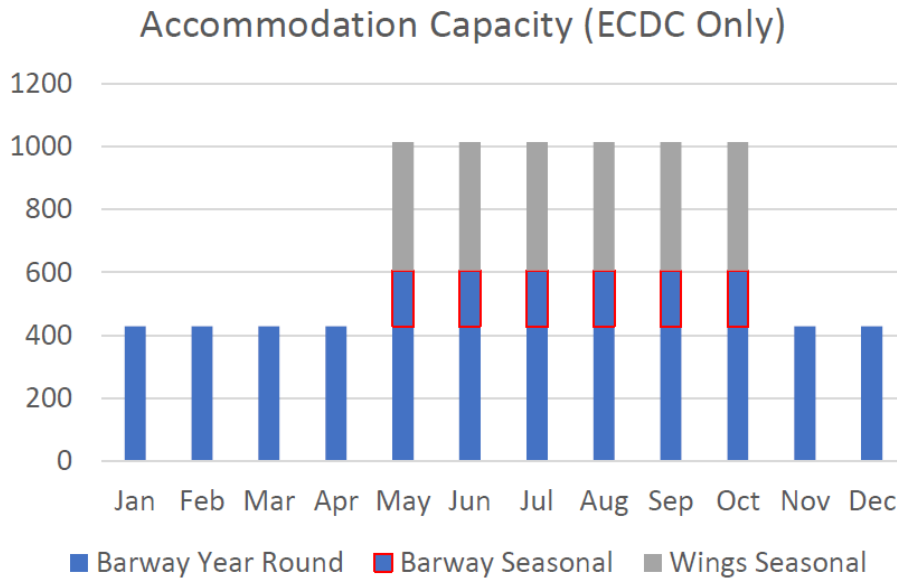
7.2.2 One of the key considerations when establishing whether the principle of development is acceptable for the proposal is whether or not there is sufficient justification for the increase in the number of temporary seasonal workers living on the site.

7.2.3 G's currently provide accommodation for seasonal workers at two sites within the district of East Cambridgeshire, Barway Hostel (Barway) and Wings Hostel (the application site at Shippea Hill). The existing capacity of this accommodation is:

- Wings Hostel Capacity of 408, occupied from 1st May to 31st October.
- Barway Hostel Capacity of 606 (428 in year round accommodation and 178 in seasonal cabins from 1st May to 31st October).

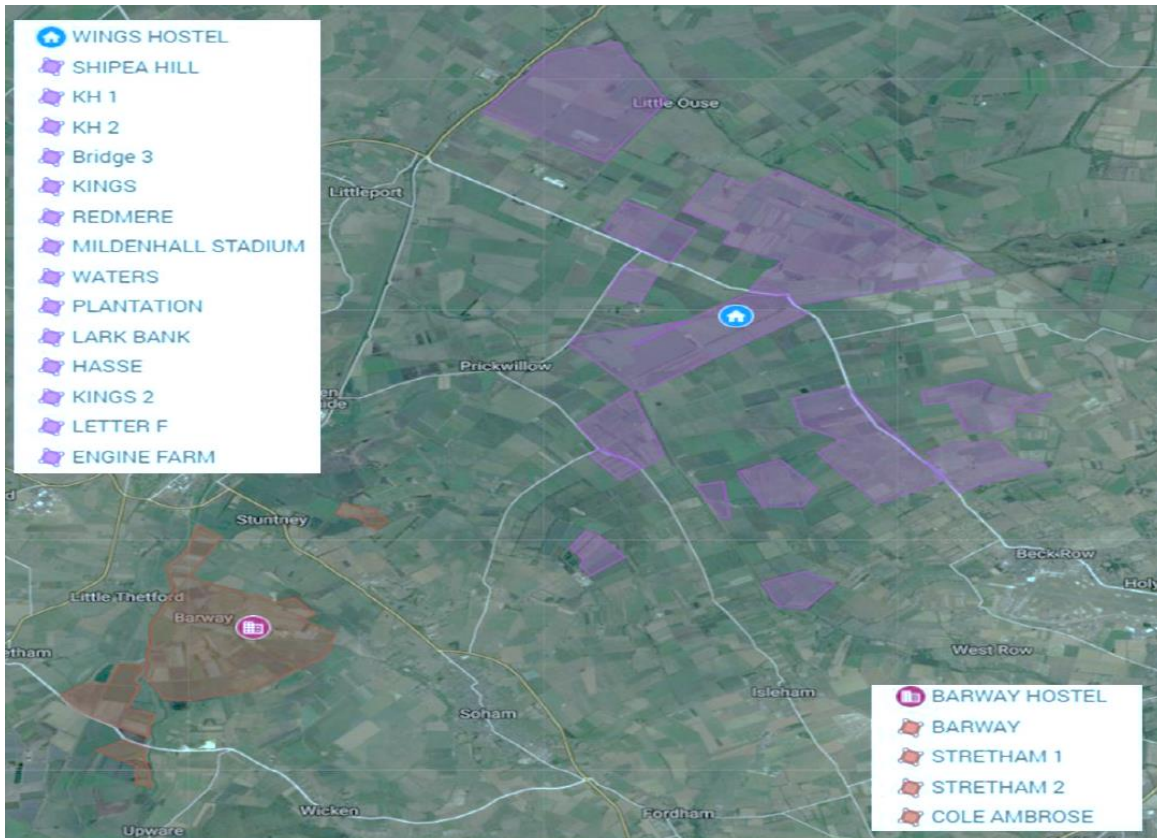
These figures are represented by the chart (Figure 1) below.

**Figure 1:**



7.2.4 G’s growing and harvesting plans for 2019 was heavily focused around the Wings Hostel (Shippea Hill application site) area. G’s 2020 plans are likely to increase harvesting operations in this area. This is represented in the aerial photography (Figure 2) below which shows the location of operations in purple and red and their proximity to the Wings Hostel and Barway Hostel sites. It is clear from this map that the majority of accommodation for G’s agricultural workers is better suited at Wings Hostel rather than Barway Hostel in regard to meeting the needs of the business.

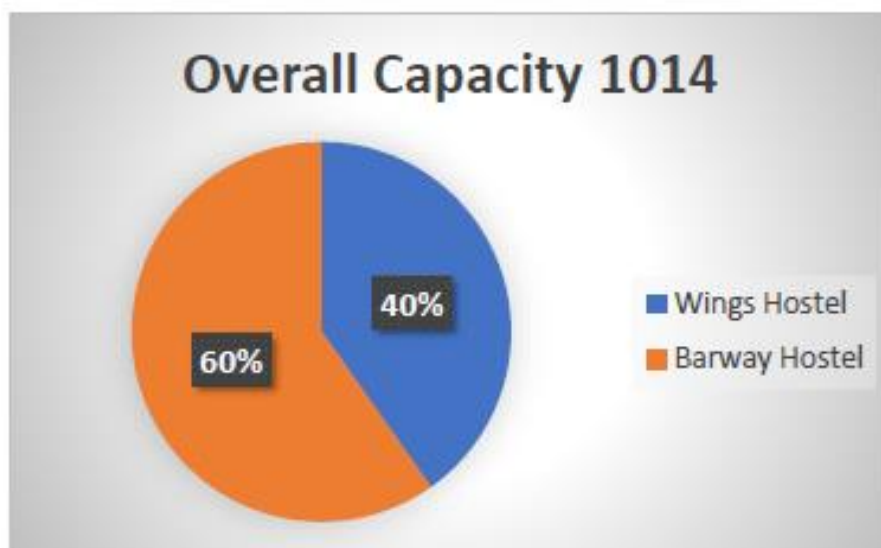
**Figure 2:**



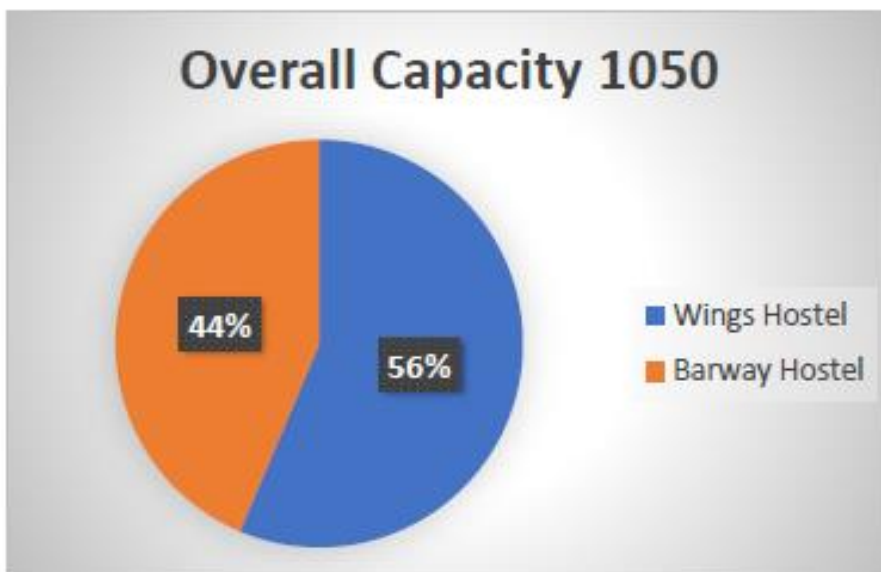
7.2.5 Although the proposal would increase the cabin accommodation at Wings Hostel by 184 people (from 408 to 592) between 1<sup>st</sup> May and 31<sup>st</sup> October in any year, this increase would be largely offset by a reduction in accommodation at Barway Hostel of 148 people (from 606 to 458). The reduction in accommodation at Barway Hostel could be secured by a Section 106 (S106) agreement, for which Heads and Terms (Appendix 2 of this report) has been submitted by the agent / applicant. The overall net gain in accommodation over the two sites would therefore be 36 spaces, increasing from 1014 to 1050 people, though these changes to the accommodation capacity would be phased over a 4 year period until 2023.

7.2.6 Figure 3 (below) shows the existing overall capacity of Barway Hostel and Wings Hostel. Figure 4 (below) shows the proposed overall capacity of Barway Hostel and Wings Hostel in 2022 once fully phased.

**Figure 3:**



**Figure 4:**



- 7.2.7 Subject to the S106 requiring the accommodation at Barway to be reduced in accordance with the agreed Heads and Terms, in order to establish whether the principle of development is acceptable for the proposal, the application must provide sufficient justification for the increase of 36 temporary seasonal workers living on the Wings Hostel site between 1<sup>st</sup> May and 31<sup>st</sup> October in any year. A net increase of temporary seasonal workers across the two sites equates to approximately a 3.5% net increase to the additional accommodation which is a very modest increase overall.
- 7.2.8 The Council's Housing department supports the application in principle, stating that it will help to meet policy HOU5 of the Local Plan, as it is an extension to an established seasonal, agricultural workers accommodation.
- 7.2.9 Due to the nature of G's operations and workforce, it is accepted that a proportionately modest increase in temporary rural workers dwellings is required between 1<sup>st</sup> May to 31<sup>st</sup> October in any year to support the viability and sustainability of the business which is a large, local, well-established employer and contributor to the local economy. The scale of the proposal is not considered to be larger than that required to meet the functional needs of the business.
- 7.2.10 The proposal would also provide sustainability benefits from locating workers closer to G's main areas for harvesting operations, by reducing the need for travel from Barway Hostel. The applicant has provided details of all other sites within East Anglia where they provide accommodation for their agricultural workers; none of which would be more suitable than the application site. Furthermore, the Local Planning Authority can find no evidence of any suitable agricultural workers' accommodation being sold by G's within the past 5 years.
- 7.2.11 In respect of the on-site shop, this is considered ancillary to the accommodation on the site and will only serve the rural workers occupying the site. This can be secured by a planning condition.
- 7.2.12 Subject to agreement of a S106 which is in general accordance with the agreed Heads and Terms, it is considered that the principle of development is acceptable for occupation between 1<sup>st</sup> May and 31<sup>st</sup> October in any year.
- 7.2.13 Prior to publication of this report, the applicant / agent has requested if the proposed accommodation can be occupied for a longer period from 1<sup>st</sup> February and 31<sup>st</sup> October in any year. However, no justified essential need has been demonstrated for rural workers to occupy the accommodation on the site for an additional 3 months of the year and therefore it has not been demonstrated that this extended period of occupation which has been requested complies with policy HOU5 of the Local Plan. The Local Planning Authority has therefore not accepted this request to extend the period of accommodation outside of the dates of 1<sup>st</sup> May to 31<sup>st</sup> October in any year and this recommendation for approval is on the basis of the information submitted within the essential need documents and Heads of Terms document submitted with the application.

### 7.3 Character and appearance of the area

- 7.3.1 The application site is located within the countryside. Policies ENV1 and ENV2 of the Local Plan seeks new development to protect, conserve and where possible enhance such rural landscapes. Any visual impacts of the proposed development on the character and appearance of the area should be assessed from public viewpoints in order to identify whether the impacts are harmful.
- 7.3.2 The Council's Trees Officer has raised concerns that the proposal has a very dense layout and will have a negative impact upon the landscape character of the area, in conflict with policy ENV1 of the Local Plan. However, he also acknowledges there is existing habitation use which currently impacts views and therefore does not object.
- 7.3.3 The application site is in a very isolated location, significantly distanced from any public highway. Views towards the site from the surrounding public highways are from the following approximate specified distances:
- 0.7km from the A1101 to the north
  - 1.1km from the A1101 to the east
  - 2.3km from Lark Bank to the west (the closest Public Right of Way)
  - Over 3.1km from Cook's Drove to the south
- 7.3.4 Examples of such views towards site, demonstrating the isolation and low visual impact of the site, are shown in Figure 5 below.

**Figure 5: Views towards the site from the A1101 looking south and west**





7.3.5 The existing site has a significant number of accommodation portacabins, offices and welfare facilities. However, due to the isolation of the site location and the existing landscaping around the site, these structures are barely visible from the nearest public highways and do not cause any significant harm to the character and appearance of the area from these public highways. Although the proposal would increase the size of the site and introduce additional structures within the countryside, the distance from the public highways would be similar and additional landscaping is proposed around the site to help assimilate the proposed development into the surrounding rural landscape. There is a railway line located immediately adjacent to the application site which would provide significant views of the proposed development, however these views would be limited to passengers on passing trains and would be very brief. Due to the isolated location of the site and the limited views achievable from the surrounding public highways and public rights of way, the proposed development would not create any significant harm to the character and appearance of the area to an extent which would outweigh the benefits of the proposal.

#### **7.4 Residential Amenity**

7.4.1 The nearest residential dwellings, No's 1 and 2 Willow Farm which are located along the access road leading to the main area of the site, are connected with the applicant's business. Due to the significant distance between the application site and any nearby residential dwellings unconnected with the business, the proposal would not result in any significant harm to residential amenity of existing occupiers of nearby properties.

7.4.2 In respect of residential amenity for the agricultural workers, the proposed development would improve the existing accommodation, recreation and welfare facilities available, whilst reducing the numbers of people per cabin.

7.4.3 There is a railway line adjacent to the application site. The Noise Impact Assessment demonstrates that acceptable internal noise levels will be achieved

with a partially open window during the night, but that a worst case scenario will lead to an exceedance of 2dB internally. The report states that the part of the site predicted to have the slight exceedance is the existing site and not the extension. Environmental Health has advised that internal target levels may be relaxed by up to 5dB (as stipulated in BS8233) and reasonable internal conditions still achieved. On the basis that the area of site being extended achieves appropriate internal noise limits, and that the slight exceedance of noise limits within the existing site area can be weighed against the benefits to the local business, local employment and local economy, the noise impacts are considered acceptable.

- 7.4.4 Environmental Health initially raised a number of concerns relating to layout and facilities within the caravans / cabins. Following this, the applicant's agent has submitted amended information and cabin capacities, with 4 persons per cabin now proposed. Environmental Health was re-consulted on the amended information and has confirmed they are happy with the information provided, though they have reiterated comments regarding shower / W.C. facilities, minimum room sizes, fire safety measures and licensing requirements. The accommodation, as proposed, is therefore considered acceptable in terms of residential amenity.
- 7.4.5 It is therefore considered that the proposed development would not create any significant harm in respect of residential amenity, in accordance with policy ENV2 of the Local Plan 2015.

## **7.5 Highway safety and transport impact**

- 7.5.1 The proposed development would be served by an existing access from the A1101 to the east, with a long private road leading from the public highway to the main area of the site where the accommodation is located.
- 7.5.2 The Local Highway Authority (LHA) Development Management team has no objections to the application in respect of highway safety, stating that the junction layout and 10m wide access road for 15m in to the site is suitable for the increase in traffic. However, they have raised the following:
1. The 40 parking spaces are not shown.
  2. There is no accessible bus stop.
  3. There are no footways / cycleway in this area.
  4. The 5m wide internal access road is not wide enough for two buses / coaches / HGVs to pass simultaneously.
- 7.5.3 Following the above comments from the LHA, amended plans have been received showing the areas of the existing 40 car parking spaces and the additional 70 car parking spaces which the LHA Transport team has stated is acceptable. In addition, it is acknowledged that there are no accessible bus stops, footways or cycle facilities in the area. However, this is to be expected in rural locations that are appropriate for rural workers accommodation. The applicant has stated that around 10% of the agricultural workers have private cars and the applicant also provides regular shuttle bus services ensuring that work, and recreation and business facilities and services can all be accessed safely. The development will not have a severe impact on the highway network and the LHA Transport team has no objections to the proposed development, subject to a condition requiring a bus



management plan to be agreed by the LPA to manage the buses during the AM and PM shift changes.

- 7.5.4 It is acknowledged that the 5m wide section of the internal access road is not sufficient in width for 2 buses to pass, however such occurrences will only result in an inconvenience to the private bus operations and will not impact the public highway or highway safety.
- 7.5.5 It is therefore considered that the proposed development would not create any significant harm in respect of highway safety or parking, in accordance with policies COM7 and COM8 of the Local Plan 2015.

## **7.6 Flood risk and drainage**

- 7.6.1 The application site is located within Flood Zone 3, however the principle of development is considered acceptable as the application is to expand an existing established temporary seasonal agricultural workers accommodation site and it is accepted that there is a business need for the additional accommodation within this location and it could not be reasonably placed elsewhere at a lower risk of flooding. Therefore the flood risk sequential test is passed.
- 7.6.2 The Environment Agency has no objection and has advised that the site is unlikely to experience fluvial flooding due to the level of protection provided by current defences. Nevertheless, the caravans / cabins will be secured to the ground by means of chains or similar to prevent buildings from becoming unstable and washing away during the unlikely event of a breach of defences. The Environment Agency has requested that the finished floor levels are set no lower than 150 mm above ground level, except in those areas of the site that are shown by the Environment Agency Risk of Flooding from Surface Water maps to be at medium/high risk of flooding from surface water where finished floor levels are to be set no lower than 300 mm above ground level. The submitted Flood Risk Assessment and Drainage Strategy states that finished floor levels of the caravans / cabins will be a minimum of 0.5m above ground level. Subject to the recommended drainage conditions, the flood risk exception test is satisfied.
- 7.6.3 The drainage strategy demonstrates that surface water from the proposed development can be managed appropriately to allow the site to drain via infiltration at the source. The drainage strategy is subject to infiltration testing and, if this fails, the surface water will drain into an IDB watercourse. The Lead Local Flood Authority are satisfied that satisfactory drainage can be achieved, subject to conditions requiring a detailed surface water drainage scheme, long-term SuDS maintenance, finished floor levels and infiltration testing.
- 7.6.4 The Internal Drainage Board has raised no objections, but advise their consent will be required to discharge into their watercourse.
- 7.6.5 Subject to the recommended conditions, it is considered that the flood risk and drainage impacts are acceptable.

## **7.7 Ecology**

- 7.7.1 The application is supported by an Ecological Impact Assessment which identifies no significant impacts on protected species or habitats with the implementation of mitigation and compensation measures. The Assessment recommends biodiversity enhancement measures which are likely to result in a biodiversity net gain and these could be secured by a planning condition requiring the development to accord with the Ecological Impact Assessment. Subject to this condition, the ecological impacts of the proposed development are considered acceptable, in accordance with policy ENV7 of the Local Plan 2015.

## **7.8 Archaeology**

- 7.8.1 Cambridgeshire County Council Archaeology has advised that the site lies in an area of high archaeological potential. They do not object to the development proceeding, but request a planning condition requiring an archaeological investigation is carried out prior to the development commencing. Due to the high potential for archaeological finds on the site, it is considered reasonable to append the recommended condition requiring an archaeological investigation. This condition has been agreed by the applicant and the application therefore accords with policy ENV14 of the Local Plan 2015.

## **7.9 Trees**

- 7.9.1 An arboricultural report was received by the Local Planning Authority during the course of the application. After a review of the arboricultural report, the Trees Officer stated that Tree T13 (a Category B mature Horse Chestnut) should be retained. The applicant's agent has since amended the plan to include the retention of tree T13. The arboricultural report identifies 5 Category C (low quality) trees to be removed and the Trees Officer has raised no objection to this.
- 7.9.2 The Trees Officer has also stated that a soft landscaping scheme would also aid consideration of the application as it will show what mitigation planting is proposed and that established large trees such as the Horse Chestnut aid the speed at which a new development can integrate into the wider landscape.
- 7.9.3 As the proposed development would remove only 5 category C trees and a condition could be appended requiring new trees to be planted in accordance with a soft landscaping scheme to be agreed with the LPA, the impacts on trees are considered to be acceptable, in accordance with policies ENV1 and ENV7 of the Local Plan.

## **7.10 Other Material Matters**

- 7.10.1 The East Cambridgeshire Access Group has raised concerns regarding disabled accessibility. However, it would be a matter for the employer to ensure that they do not discriminate against any employees with disabilities and provide suitable modifications where necessary.

## **7.11 Planning Balance**

- 7.11.1 Due to the nature of G's operations and workforce, it is accepted that a proportionately modest overall increase in temporary rural workers dwellings is required to support the viability and sustainability of the business.
- 7.11.2 The proposal would support the business operations of a large local employer and provide a positive contribution to the local economy.
- 7.11.3 The proposal would also provide sustainability benefits from locating workers closer to G's main areas for harvesting operations, by reducing the need for travel from Barway Hostel.
- 7.11.4 The proposal would likely provide a biodiversity net gain which also weighs in favour of the application.
- 7.11.5 The proposal would result in additional structures and development within the countryside, however their visual impact from public highways or viewpoints will be very limited. The proposal will also result in additional traffic movements within the nearby vicinity of the application site, however on a wider scale traffic movements originating from Barway Hostel should be significantly reduced and the Local Highway Authority Transport team do not consider there will be a detrimental impact on the highway network.
- 7.11.6 On balance, it is considered that the adverse impacts of approving the proposed development would not significantly and demonstrably outweigh the benefits and therefore the proposed development accords with presumption in favour of sustainable development set out within the NPPF. In addition, the proposal broadly accords with Policy HOU5 which is the most relatable policy in the Local Plan.

## **8 COSTS**

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case Members' attention is particularly drawn to the following point:

- There are no outstanding objections to the application from statutory consultees.

## 9 **APPENDICES**

- 9.1 Appendix 1 – Approved Plans.
- 9.2 Appendix 2 – Heads of Terms

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/00100/FUM	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Senior Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk
16/01478/VAR		
16/01476/VAR		
16/01475/VAR		
16/01473/VAR		
16/00282/VAR		
15/00246/FUL		
15/00244/FUL		
15/00221/FUL		
13/00596/DISA		
13/00596/VAR		
13/00186/DISA		
13/00186/FUL		
11/00165/FUL		
09/00260/FUL		
09/00259/VAR		
08/00768/VAR		
08/00660/VAR		
04/01180/FUM		
04/00048/FUL		
03/00978/FUL		
03/00518/FUL		

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 - 19/00100/FUM Conditions

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

Plan Reference	Version No	Date Received
Arboricultural Report	v1.2	18th July 2019
010	D	18th July 2019
Flood Risk Assessment	B	16th January 2019
and Drainage Strategy	A	19th November 2019
005		
Ecological Impact Assessment		16th January 2019
021		8th February 2019
024		8th February 2019
023		8th February 2019
022		8th February 2019
020		8th February 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 This permission is for a limited period only, expiring on 4th December 2029. After this date, the site shall be reinstated in accordance with a scheme to be submitted and agreed in writing by the Local Planning Authority prior to the expiration of this permission.
- 3 Reason: To ensure that the caravans / cabins are screened as fully as possible in the interests of retaining the appearance and character of this rural area in compliance with policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan 2015.
- 4 The occupation of the caravans / cabins shall be limited to persons solely employed seasonally, in the locality in agriculture, and for a period from 1st May to 31st October only in any calendar year. The caravans / cabins shall not be occupied during any other period unless previously agreed in writing by the Local Planning Authority.
- 4 Reason: The development hereby permitted, is situated in a rural area outside any established settlement where the Local Planning Authority would not normally grant permission for such development and this permission is granted solely in order to fulfill an essential agricultural need to satisfy the requirements of policy HOU5 of the East Cambridgeshire District Council Local Plan 2015.
- 5 Any individual caravan / cabin shall not be occupied as living accommodation for more than 5 persons.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

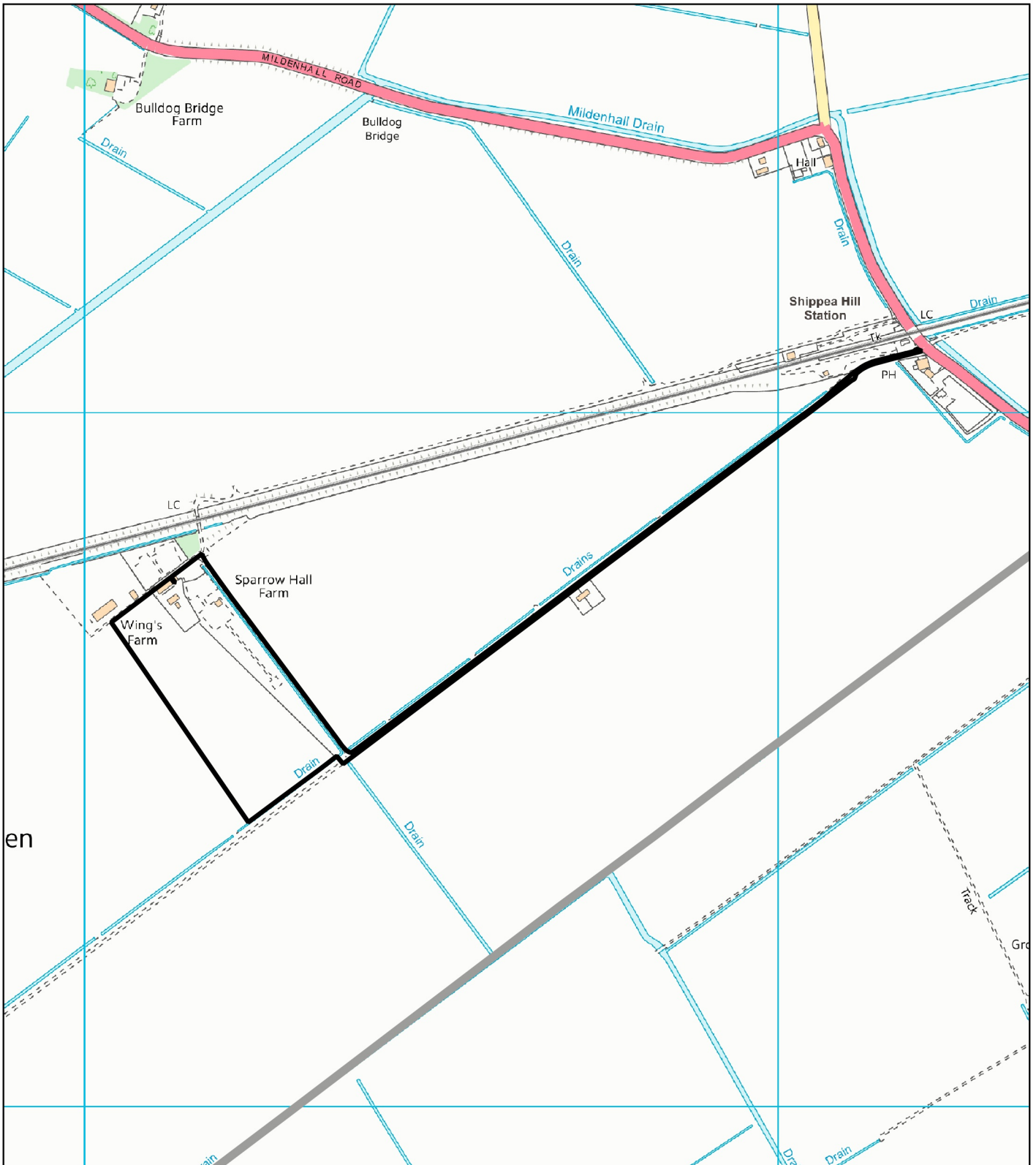
- 6 The office and welfare facilities, including new office, recreation area, shop and washing/drying facilities, shall only be used ancillary to the development hereby approved, and for a period from 1<sup>st</sup> May to 31<sup>st</sup> October only in any calendar year. These facilities shall not be occupied during any other period unless previously agreed in writing by the Local Planning Authority.
- 6 Reason: The development hereby permitted relates to an existing seasonal workers accommodation site, it is situated in a rural area outside any established settlement where the Local Planning Authority would normally grant planning permission for such development and this permission is granted solely to fulfil an essential agricultural need to satisfy the requirements of the approved East Cambridgeshire Local Plan 2015.
- 7 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.
- 7 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.
- 8 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy, prepared by E A S Transport Planning Limited (ref: 1904/2018) and dated 19<sup>th</sup> December 2018, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to first occupation of any caravan / cabin hereby approved.
- 8 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.
- 9 Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to, and approved in writing by, the Local Planning Authority, prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.
- 9 Reason: To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.
- 10 The finished floor levels of the caravans / cabins shall be set no lower than 150 mm above ground level except in those areas of the site that are shown by the Environment Agency Risk of Flooding from Surface Water maps to be at medium/high risk of flooding

from surface water where finished floor levels shall be set no lower than 300 mm above ground level.

- 10 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to first occupation of the caravans / cabins hereby approved, a bus management plan shall be submitted to, and approved in writing by, the Local Planning Authority, to manage the buses during the AM and PM shift changes. The buses shall operate in accordance with the bus management plan thereafter.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 12 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 No development 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 surfacing materials for internal roads, footpaths and car parking areas. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 13 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 and the details need to be agreed before construction begins.
- 14 Prior to first occupation of the caravans / cabins hereby approved, the proposed on-site car and bus parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with drawing no. 010 Rev D and thereafter retained for that specific use in perpetuity.
- 14 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 15 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 15 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 16 Construction / demolition 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 on Saturdays and none on Sundays or Bank / Public Holidays.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to first occupation of any caravan / cabin, a scheme to dispose of foul water shall be submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of any caravan / cabin hereby approved.
- 17 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.





19/00100/FUM

Site South of Wings Hostel  
 Station Drove  
 Shippea Hill



East Cambridgeshire  
 District Council

Date: 19/11/2019  
 Scale: 1:8,000



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APPENDIX 2

HEADS OF TERMS v1 – Wings Hostel (15<sup>th</sup> November 2019)

Re. 19-00100-FUM - Shippea Hill Site South of Wings Hostel

These Heads of Terms set out a commitment by the Applicant, to accord with proposed accommodation numbers at Wings Hostel and Barway Hostel.

**Property:** Land at Wings Hostel, Engine Farm, Shippea Hill, Ely, Cambs, CB7 4SR

**Name & Address of Applicant:** Barway Services Ltd, Barway, Ely, Cambs, CB7 5TZ

**Applicant’s Solicitors:** Rustons and Lloyds, Newmarket – Chris Pitchers Tel:01638 661221 email: [chris.pitchers@rustonsandlloyd.com](mailto:chris.pitchers@rustonsandlloyd.com)

**Applicant’s Agent:** Mr J Harvey, Gravel Farm House, Newmarket Road, Stretham, Ely Cambs CB6 36LJ

**Name and Address of Planning Authority:** East Cambs District Council, The Grange, Nutholt Lane, Ely CB7 4EE

**Planning Authority’s Solicitor:** [ ]

**Planning Application Reference:** 19-00100-FUM - Shippea Hill Site South of Wings Hostel

**Indicative Timescales and Numbers 1<sup>st</sup> May – 31<sup>st</sup> October 2020 (yr 1):** Wings Hostel – 408  
Barway Hostel – 606

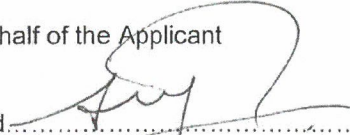
**Indicative Timescales and Numbers 1<sup>st</sup> May – 31<sup>st</sup> October 2021 (yr 2):** Wings Hostel – 476  
Barway Hostel – 546

**Indicative Timescales and Numbers 1<sup>st</sup> May – 31<sup>st</sup> October 2022 (yr 3):** Wings Hostel – 544  
Barway Hostel – 478

**Indicative Timescales and Numbers 1<sup>st</sup> May – 31<sup>st</sup> October 2023 (yr 4):** Wings Hostel – 592  
Barway Hostel – 458

**Costs:** The Applicant commits to cover all costs associated with legal fees for the preparation of the s106 agreement, as well as the Planning Authority’s legal fees.

On Behalf of the Applicant

Signed:  .....

Dated: 18-11-19 .....

On Behalf of the Planning Authority

Signed: .....

Dated: .....

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**MAIN CASE**

**Reference No:** 19/00447/RMM

**Proposal:** Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM

**Site Address:** Land Accessed Between 2 And 4 Fordham Road Isleham Cambridgeshire

**Applicant:** Bloor Homes Eastern

**Case Officer:** Andrew Phillips, Planning Team Leader

**Parish:** Isleham

**Ward:** Fordham And Isleham  
Ward Councillor/s: Julia Huffer  
Joshua Schumann

**Date Received:** 25 March 2019      **Expiry Date:** 9 December 2019  
[U133]

---

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to approve this application, subject to the recommended conditions below:
1. Approved plans
  2. Time frame
  3. Boundary treatment
  4. Materials
  5. Obscure glazing
  6. Landscape details
  7. Renewable energy
  8. Biodiversity
  9. Fordham Road footpath provision

2.0 **SUMMARY OF APPLICATION**

- 2.1 This planning application was considered at the 6 November 2019 Planning Committee and was deferred to allow the developer time to alter its layout/design in providing single storey dwellings in the location of Plots 116 and 117 in the northwest corner of the site (appendix 2 includes the November committee report).

With the application coming back before Members within a month and the previous committee report attached, this report will only cover the substantial changes.

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

### 3.0 PLANNING HISTORY

#### 3.1

18/00363/OUM	Outline planning permission with all matters reserved except for access for the erection of up to 125 dwellings including affordable housing, land to be reserved for nursery use (Use Class D1), open space including an extension to the recreation ground, play areas, sustainability drainage features and associated infrastructure including foul sewage pumping station	Approved	08.11.2018
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### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside (though adjacent) of the village framework. The Isleham Recreation Ground is located to the east of the site. To the north and west are residential dwellings. To the southwest is the industrial units on Hall Barn Road and to the south is Fordham Road (30 mph speed limit) that this site proposes to connect onto.

### 5.0 RESPONSES FROM CONSULTEES

- 5.1 No additional responses were received from the following consultees since the 6 November 2019. All consultation responses are available on the Council's web site.
- 5.2 Neighbours – 157 neighbouring properties were notified on the 18 November 2019 regarding the amendment. A full copy of all responses are available on the Council's website. No additional responses have been received at the date of writing.
- 5.3 Members will be provided with an update with all consultation responses on the day of committee as the consultation end date is the 2 December 2019.

6.0 The Planning Policy Context

6.1 Please refer to Appendix 2

7.0 PLANNING COMMENTS

7.1 This section of the report will only deal with the main changes since November 2019 Planning Committee.

7.2 Plots 116 and 117 were the two storey dwellings that members raised concerns about in relation to impact on residential amenity and led to the application being deferred. These two properties have been amended to single storey bungalows (now plots 118 and 119). A bungalow (Plot 111) has also been added to the rear of Number 2 The Briars. Figure 1 below shows the changes:

7.3 Figure 1



7.4 The addition of three bungalows along the western edge has led to the loss of a more evenly spread of bungalows across the site as the overall number of bungalows proposed remains the same; though the harm to the overall quality of urban design is very minimal.

7.5 The proposal will lead to the requested improvement to residents of 29b Hall Barn Road, due to the two storey dwellings being replaced by single storey properties, and will not create any new residential concerns elsewhere.

7.6 The proposal still complies with policy ENV2 of the Adopted Local Plan.

7.7 The remainder of the changes are to accommodate the new layout and are considered extremely unlikely to lead to new concerns that are material to the determination of a planning application. However, if any consultation responses are

received these will be assessed and may affect this professional view but members will be updated at Planning Committee if necessary.

## 7.8 Planning Balance

7.9 The proposal remains acceptable at the time of writing as outlined in this report and the committee report attached at appendix 2, subject to the recommended conditions.

## 8.0 COSTS

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

8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.4 In this case Members' attention is particularly drawn to the following points:

- The developer has made the changes requested by Planning Committee

## 9.0 APPENDICES

9.1 Appendix 1 – Recommended Conditions

9.2 Appendix 2 – Previous Committee report (6 November 2019)

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00447/RMM	Andrew Phillips Room No. 011	Andrew Phillips Planning Team Leader
18/00363/OUM	The Grange Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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 - 19/00447/RMM Conditions

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

Plan Reference	Version No	Date Received
EA129-LS-007	D	20th November 2019
EA129-EN-101	F	18th November 2019
P18-1007_09	H	18th November 2019
P18-1261-11	M	18th November 2019
P18-1261-12	F	18th November 2019
P18-1261-18	A	18th November 2019
Biodiversity Compensation and Enhancement Plan	V6	18th November 2019
Bird and Bat Box	V8	18th November 2019
EA129-LS-001	F	18th November 2019
EA129-LS-002	E	18th November 2019
EA129-LS-003	E	18th November 2019
EA129-LS-004	F	18th November 2019
EA129-LS-005	D	18th November 2019
EA129-LS-006	G	18th November 2019
P18-1261-17	B	18th November 2019
EA129-EN-100	F	18th November 2019
P18-1261-01-02	ZK	18th November 2019
P18-1261-03	J	18th November 2019
P18-1261-04	J	18th November 2019
P18-1261-05	J	18th November 2019
P18-1007_09G House Type Pack		4th October 2019
EA129-LS-007	C	4th October 2019
EA129-EN-201	D	22nd August 2019
EA129-EN-200	C	22nd August 2019
P18-1261_06	B	25th March 2019
P18-2261_02	B	25th March 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 the approval of the last of the reserved matters.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing numbers P18-1261\_03 Rev J and P18-1261\_06 Rev B. The boundary treatments shall be in situ and completed prior to the first occupation of the associated dwelling on the site. All works shall be carried out in accordance with the approved details and retained thereafter.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



- 4 The materials to be used in the construction of the external surfaces shall be as specified on P18-1261\_11 Rev M. All works shall be carried out in accordance with the approved details.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 The first floor windows shown on the approved plans as glazed using obscured glass shall be permanently retained in that condition thereafter.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 The landscaping and play equipment as defined on drawings P18-1261\_12, EA129-LS-001 Rev f, EA129-LS-002 Rev e, EA129-LS003 Rev e, EA129-LS-004 Rev f, EA129-LS-005 Rev d, EA129-LS-006 Rev g and EA129-LS-007 Rev D shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Prior to above ground construction work a scheme, including timeframe, for the provision of solar panels in accordance with Energy Strategy Statement July 2019 Version 5 shall be submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the approved details and thereafter retained and maintained in perpetuity.
- 7 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 8 The biodiversity measures hereby permitted shall be provided in accordance with the details specified on drawing numbers Bird and Bat Box Plan V8 and Biodiversity Compensation and Enhancement Plan V6. The biodiversity improvements shall be in situ and completed within a timeframe agreed, in writing prior to first occupation, with the Local Planning Authority. All works shall be carried out in accordance with the approved details and retained thereafter.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 9 The footpath improvements along Fordham Road as defined within drawings EA129-EN-200 Rev C and EA129-EN-201 Rev D shall be completed in accordance with a timeframe agreed in writing prior to first occupation with the Local Planning Authority. Development shall commence in accordance with the approved details.

- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

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**MAIN CASE**

**Reference No:** 19/00447/RMM

**Proposal:** Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM

**Site Address:** Land Accessed Between 2 And 4 Fordham Road Isleham Cambridgeshire

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**Ward:** Fordham And Isleham  
Ward Councillor/s: Julia Huffer  
Joshua Schumann

**Date Received:** 25 March 2019      **Expiry Date:** 9 December 2019  
[U133]

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1.0 **RECOMMENDATION**

- 1.1 Members are recommended to approve this application, subject to the recommended conditions below:
1. Approved plans
  2. Time frame
  3. Boundary treatment
  4. Materials
  5. Obscure glazing
  6. Landscape details
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EA129-LS-002	E	18th November 2019
EA129-LS-003	E	18th November 2019
EA129-LS-004	F	18th November 2019
EA129-LS-005	D	18th November 2019
EA129-LS-006	G	18th November 2019
P18-1261-17	B	18th November 2019
EA129-EN-100	F	18th November 2019
P18-1261-01-02	ZK	18th November 2019
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- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing numbers P18-1261\_03 Rev J and P18-1261\_06 Rev B. The boundary treatments shall be in situ and completed prior to the first occupation of the associated dwelling on the site. All works shall be carried out in accordance with the approved details and retained thereafter.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



- 4 The materials to be used in the construction of the external surfaces shall be as specified on P18-1261\_11 Rev M. All works shall be carried out in accordance with the approved details.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 The first floor windows shown on the approved plans as glazed using obscured glass shall be permanently retained in that condition thereafter.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 The landscaping and play equipment as defined on drawings P18-1261\_12, EA129-LS-001 Rev f, EA129-LS-002 Rev e, EA129-LS003 Rev e, EA129-LS-004 Rev f, EA129-LS-005 Rev d, EA129-LS-006 Rev g and EA129-LS-007 Rev D shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Prior to above ground construction work a scheme, including timeframe, for the provision of solar panels in accordance with Energy Strategy Statement July 2019 Version 5 shall be submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the approved details and thereafter retained and maintained in perpetuity.
- 7 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 8 The biodiversity measures hereby permitted shall be provided in accordance with the details specified on drawing numbers Bird and Bat Box Plan V8 and Biodiversity Compensation and Enhancement Plan V6. The biodiversity improvements shall be in situ and completed within a timeframe agreed, in writing prior to first occupation, with the Local Planning Authority. All works shall be carried out in accordance with the approved details and retained thereafter.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 9 The footpath improvements along Fordham Road as defined within drawings EA129-EN-200 Rev C and EA129-EN-201 Rev D shall be completed in accordance with a timeframe agreed in writing prior to first occupation with the Local Planning Authority. Development shall commence in accordance with the approved details.

- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

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**MAIN CASE**

**Reference No:** 19/00447/RMM

**Proposal:** Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM

**Site Address:** Land Accessed Between 2 And 4 Fordham Road Isleham Cambridgeshire

**Applicant:** Bloor Homes Eastern

**Case Officer:** Andrew Phillips, Planning Team Leader

**Parish:** Isleham

**Ward:** Fordham And Isleham  
Ward Councillor/s: Julia Huffer  
Joshua Schumann

**Date Received:** 25 March 2019      **Expiry Date:** 18 November 2019  
[U104]

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**1.0 RECOMMENDATION**

1.1 Members are recommended to approve this application, subject to the recommended conditions below:

1. Approved plans
2. Time frame
3. Boundary treatment
4. Materials
5. Obscure glazing
6. Landscape details
7. Renewable energy
8. Biodiversity
9. Fordham Road footpath provision

**2.0 SUMMARY OF APPLICATION**

2.1 The proposal seeks reserved matters consent for appearance, landscaping, layout and scale for 121 dwellings following outline permission (including details of access) under planning reference 18/00363/OUM. The application has been amended several times, but the most significant amendment was to spread the development equally over the entire site rather than seeking to hold land in reserve. Other

amendments include, but not limited, providing more architectural features on dwellings, minimising the likelihood of people parking over footpaths and ensuring roads meet county standards.

- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 On the recommendation of approval by Planning Committee for the outline consent (18/00363/OUM) it was on the basis that any reserved matters was to be determined by Planning Committee, as well as the recommended conditions and completion of a S106 Agreement.

### 3.0 PLANNING HISTORY

#### 3.1

18/00363/OUM	Outline planning permission with all matters reserved except for access for the erection of up to 125 dwellings including affordable housing, land to be reserved for nursery use (Use Class D1), open space including an extension to the recreation ground, play areas, sustainability drainage features and associated infrastructure including foul sewage pumping station	Approved	08.11.2018
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Nearby history of specific relevance

18/01482/OUT	Residential development of nine single storey dwellings, garaging, parking, access road and associated site works - phased development was approved on the 21 February 2019
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### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside (though adjacent) of the village framework. The Isleham Recreation Ground is located to the east of the site. To the north and west are residential dwellings. To the southwest is the industrial units on Hall Barn Road and to the south is Fordham Road (30 mph speed limit) that this site proposes to connect onto.

## 5.0 RESPONSES FROM CONSULTEES

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

### **Newmarket Town Council – 26 April 2019**

Raises concerns over the impact the proposal will have on the wider transport network and the potential reliance on Newmarket's services. It highlights the importance of its horse trade and the cumulative impacts the proposal might have.

#### **17 September 2019**

Stated that it declined to provide comments.

#### **22 October 2019**

Stated that it declined to comment.

### **Isleham Parish Council - 30 April 2019**

Objects to the proposal on the following grounds:

- 2.5 storey houses too much of an urban feature for Isleham.
- Seeks tandem parking to be reduced.
- The open space should line up with existing recreation ground and should be fenced and hedged.
- Overhead powerline needs to be buried.
- Plots 112, 113, 117 and 118 need to be single storey.
- Need for more affordable family homes.
- Seeks to ensure that affordable housing is first offered to local people.
- Seeks single bedroom units to be provided in the market housing.
- Seeks additional tree planting, specifically along Fordham Road.
- Road calming measures along Fordham Road.
- Wants to ensure East Cambs adopt public open space over a private management company.

#### **17 September 2019**

States:

- “
- There is no design brief for the self-build houses, which prevents neighbours from making informed responses. There should be a clause on these houses that they are only single storey dwellings. This would be in line with Bloor homes commitment to build bungalows along the remaining stretch of this boundary.
  - The school does not have the capacity for this number of new houses. Some residents of Hall Barn Road have already been unable to get their children into the school.

- To ensure a sufficient buffer between the existing houses on Hall Barn Road and the new development serious consideration should be given to increasing the gap between the two from 5m to 10m
- A condition must be made that there will be no further building in the remaining 'informal open spaces' identified on drawing EA129-LS-007a
- Concern continues regarding the number of identified parking spaces for a development of this size. Specifically:  
a clause should be included that will prevent garages being converted into living accommodation as this would further increase the parking on public highways further consideration should be given to the location of visiting parking bays , which are currently identified as only being along the eastern edge of the development the parking of visiting cars on Fordham Road will further increase risk to existing residents
- A clear and legally accountable strategy for the maintenance of the trees and other communal spaces needs to be established.
- To prevent parking on Fordham Road, the footpath entrance onto the site to the Early Years facility should be removed, sufficient parking spaces be built on site and a 'pedestrian proof' fence built along Fordham Road.
- To reduce light pollution to existing residents, street lighting on Fordham Road should face towards the development, rather than towards existing properties.
- Construction hours must be effectively monitored so that there is minimal impact on existing residents.
- There has been a continuing problem accessing the ECDC website. This has resulted in the registration of only 7 objections to date does not recognise the objections submitted to the original planning application
- Bloor Homes 'drip feeding' of amendments continually challenges residents to keep abreast of and respond to these proposals.”

## **22 October 2019**

### **States**

“Despite previous verbal commitments from Bloor homes that they would ensure all houses bordering Hall Barn Rd would be bungalows, this is clearly something that they have failed to adhere to. Specifically:

- Despite being the closest of all the new houses to any of the existing houses on Hall Barn Rd, this amendment continues to state that plots 116 and 177 remain two storey. This would clearly result in numbers 29, 29a and most notably 29b Hall Barn Rd being directly overlooked and losing their sunlight and privacy.
- The above is not helped by the fact that there is currently no garden to the west of plot 166, which must also be addressed
- Plots 102-105 are currently identified as being a BLA style construction. These are at least two and possibly 2.5 story houses. These would directly overlook and cause a loss of light to numbers 59 Hall Barn Rd and 4 Bryers Close
- Plots 112-115 (self-build) remain identified as two storey properties. These will clearly result in loss of privacy and sunlight to numbers 35a and 35b Hall Barn Rd

**We therefore reiterate our expectation that all of the plots adjacent to Hall Barn Rd are bungalows.**

- To ensure a sufficient buffer between the existing houses on Hall Barn Road and the new development we expect an increase in the buffer between the two from 5m to 10m
- We remain extremely concerned by the lack of clarity re the future of the 'informal open spaces' identified on drawing EA129-LS-007a (otherwise labelled the Leap on drawing P18-1261\_01). We regard this as an essential green space within this development and therefore expect a condition to be made that no further building is permitted on this land.
- Concern continues regarding the number of identified parking spaces for a development of this size. Specifically:
  - o a clause should be included that will prevent garages being converted into living accommodation as this would further increase the parking on public highways
  - o further consideration should be given to the location of visiting parking bays, which are currently identified as only being along the eastern edge of the development
  - o the parking of visiting cars on Fordham Road will further increase risk to existing residents
- A clear and legally accountable strategy for the maintenance of the trees and other communal spaces still needs to be established.
- To prevent parking on Fordham Road, the footpath entrance onto the site to the Early Years facility should be removed, sufficient parking spaces be built on site and a 'pedestrian proof' fence built along Fordham Road.
- To reduce light pollution top existing resident's street lighting on Fordham Road should face towards the development, rather than towards existing properties.
- Construction hours must be effectively monitored so that there is minimal impact on existing residents.
- The school does not have the capacity for this number of new houses. Some residents of Hall Barn Road have already been unable to get their children into the school.
- There has been a continuing problem accessing the ECDC website. This
  - o has resulted in the registration of only 7 objections to date
  - o does not recognise the objections submitted to the original planning application
- Bloor Homes 'drip feeding' of amendments continually challenges residents to keep abreast of and respond to these proposals."

### **Local Highways Authority – 29 April 2019**

Provides comments on how to make shared use areas adoptable, that it will not adopt visitor spaces unless they serve a highway function, the roads need to be designed to 20mph, provides guidance on visibility splays and required changed to layout.

### **1 October 2019**

“After a review of the amended layout plan I have the following comments:

1. The Primary Street varies in widths from 5m to approx. 5.5m in places. This should be consistent and a distance of 5.5m due to its proposed nature and use. Should this be less, vehicles larger than domestic cars will have to enter the other side of the road when going around the bends in the road. This is not acceptable from a highways perspective as it is detrimental to highways safety and will also impede other users of the highway.
2. The two shared areas at the bottom of the site are below CCC adoptable standard widths of 7m in total (6m + x2 0.5m maintenance strips)
3. The parking spaces between plots 50 / 51 is three a breast and would require vehicles to drive on to and reverse over the footway. This is not acceptable for highways safety reasons.

Please ensure any previous highways comments and requested amendments dated 29th April 2019 are included in any revised submission.”

### **21 October 2019**

States:

“After a review of the amended layout plan I have the following comments:

1. The Primary Street varies in widths from 5m to approx. 5.5m in places. This should be consistent and a distance of 5.5m due to its proposed nature and use. Should this be less, vehicles larger than domestic cars will have to enter the other side of the road when going around the bends in the road. This is not acceptable from a highways perspective as it is detrimental to highways safety and will also impede other users of the highway.
2. The two shared areas at the bottom of the site are below CCC adoptable standard widths of 7m in total (6m + x2 0.5m maintenance strips)
3. The parking spaces between plots 50 / 51 is three a breast and would require vehicles to drive on to and reverse over the footway. This is not acceptable for highways safety reasons.

Please ensure any previous highways comments and requested amendments dated 29<sup>th</sup> April 2019 are included in any revised submission.”

### **22 October 2019**

States

“After a review of the submitted dimensioned drawing I have no further objections.

### **Recommended Conditions**

HW2A – prior to first occupation the internal roads and footways will be built to at least binder course

HW22A – No private surface water will be permitted to be discharged on to the adopted highway

HW23A – No development shall commence until details of the proposed arrangements for the future management and maintenance of the internal estate roads has been submitted and approved by the LPA”



### **Historic England – 11 April 2019**

It does not seek to offer any comments, but recommends specialist conservation and archaeological input.

### **9 September 2019**

“we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.”

### **Cambridgeshire Archaeology – 23 April 2019**

Archaeological works covered by condition 7 to outline permission 18/00363/OUM and this cannot yet be discharged.

### **10 October 2019**

“This site has previously been subject to an archaeological evaluation carried out against Condition 7 (Archaeology) attached to outline permission 18/00363/OUM. This evaluation identified probable field boundaries of late medieval or post medieval date, settlement-related activity of medieval date, a concentration of Iron-Age activity and a circular feature which, although undated at present, may be the ploughed-out remains of a small Bronze Age funerary monument (barrow). The Iron Age, medieval and circular features have been identified for a further phase of targeted investigation (excavation) in mitigation of the development impacts. A brief for the recommended works was requested by the applicant and issued by this office on 17/09/2018, however to date there is no approved Written Scheme of Investigation (WSI) in place for the works and the on-site programme has not been implemented. The archaeological condition should therefore remain in place until the excavation has been completed and if this application for Reserved Matters is intended to supersede then the condition should be carried over in order to secure the archaeological interest of this site.”

### **Natural England - 18 April 2019**

Natural England has no comments to make on this application and has not assessed this application for impacts on protected species.

It does confirm there will be no significant impact upon statutory designated nature conservation sites or landscapes.

### **9 September 2019**

States: “Natural England has no comments to make on this application.”

### **Environmental Health Officer – 5 April 2019**

Notes that the site is already covered by a CEMP and notes that previous comments has suggested that internal noise levels could be met.

Seeks a ground piling condition.

### **24 September 2019**

Seeks an updated Noise Impact Assessment.

### **16 October 2019**

“The development is expected to meet acceptable internal sound levels across the whole site during the night with openable windows.

During the day, properties facing Fordham Road are expected to see external sound levels of between 60-65dB at the façade, this means that expected internal levels with a partially open window will be between 45-50dB. The target level is 35dB if the rooms on this side of the dwelling are bedrooms or living rooms. It may be possible, with sensible room placement (not placing any sensitive rooms on this eastern façade adjacent to the red in Figures 4 and 6) and by relaxing the target levels by 5dB (if you find the development is necessary and desirable) that acceptable levels could be met. The façade on the western side of these properties have predicted internal sound levels of 40-45dB. If you do choose to relax the target sound levels then the internal target then becomes 40dB. Placing the sensitive rooms on this western side of the dwellings are predicted to experience an internal sound level between 40-45dB.”

### **Waste Strategy (ECDC) - 23 April 2019**

Seeks bin collection points to be moved adjacent to the public highway. It should also be the preference of placing all collection points next to the public highway and not rely on maximum guidance distances.

### **Housing Section – 13 May 2019**

States that the site does not comply with the S106 and needs to be 77% rented and 23% shared ownership.

Provides the needed housing mix.

### **20 May 2019**

States that Bloor Homes are able to meet a 77/23% split; also provides a revised housing mix.

### **9 September 2019**

“The Strategic Housing Team has no further comments to make regarding the re-consultation of the above Reserved Matter application.

The affordable housing mix, type and tenure all meet the housing need requirements for Isleham.”

**Environment Agency – 24 April 2019**

No comments to add to their comments on the outline consent.

**Lead Local Flood Authority – 25 April 2019**

Is unable to support the application regarding the drainage layout.

**13 September 2019**

States: “At present, we are unable to remove our objection to this reserved matters application. As stated within our previous consultation response dated 25 April 2019 (ref: 201103800) we require calculations for the entire proposed drainage network. This information is necessary to demonstrate that the proposed infiltration basins and drainage network are appropriately designed for the 100% (1 in 1), 3.3% (1 in 30) and 1% (1 in 100) Annual Exceedance Probability (AEP) storm events, including a 40% allowance for climate change and 10% for urban creep. The LLFA is supportive of the use of swales and infiltration basins over the proposed development. The swales are a good use of open conveyance as they slow the flow down and allow a stage of treatment to the surface water before entering the infiltration basins. It would be good to see some source control on the development through the use of SuDS feature such as permeable paving, green roofs or bioretention systems like tree pits and rain gardens.”

**18 October 2019**

States:

“we can **remove our objection** to the reserved matters application. The above documents demonstrate that the site can be drained through the use of permeable paving on private shared access, which connects to the wider drainage network. For the rest of the impermeable area, there will be unlined conveyance swales transporting surface water into infiltration basins, which provides adequate treatment and attenuation volume for the 100 year including 40% climate change storm event.”

**Middle Fen and Mere Internal Drainage Board – 11 April 2019**

Has no objection but would like to be reconsulted if there are any changes to drainage.

**Anglian Water Services Ltd - 26 September 2019**

**States:**

“Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

We have reviewed the applicant's submitted foul drainage strategy documentation and consider that the impact on the public foul sewerage network has not been adequately addressed at this stage. Anglian Water have found that this proposal may result in a increased risk of flooding in the downstream network. We request that we are consulted on any forthcoming application to discharge Condition 10 of the outline planning

application 18/00363/OUM, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

#### Section 4 - Surface Water Disposal

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

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

#### **8 October 2019**

Repeats comments from the 26 September 2019.

Then sent an additional consultation response and stated:

“I confirm that if the application came in now we would not have recommended a drainage condition as the responsibility for any down-stream mitigation is the responsibility of Anglian Water to manage. As the proposed connecting manhole will be receiving gravity flows rather than pumped flows as initially considered, these flows can be better managed and addressed.

Therefore I would suggest that you submit a Discharge of Condition request to the Council and when we receive this we will in turn recommend that this condition be discharged. We will then monitor the network as the flows begin to be received and we will manage the system as appropriate.”

#### **Design Out Crime Officers - 16 April 2019**

States the proposal will provide high levels of natural surveillance and concludes that they are happy to support the proposed design/layout. They do recommend that the developer should use CCTV during construction phases.

#### **6 September 2019**

No additional comments and their previous comments remain valid.

## **Defence Infrastructure Organisation Safeguarding – 21 May 2019**

Raises concerns that if the SuDS have permanent water it will attract birds that could lead to bird strikes.

### **20 September 2019**

“Aerodrome height

The MOD confirms we have no safeguarding concerns with the proposed heights for the development

Birdstrike

The SUDS scheme for the proposed development features two attenuation basins and swales. The MOD was originally consulted on this development earlier this year. We had no concerns regarding the SUDS scheme but requested the drain down times for the SUDS basins.

The applicant has now provided the drain down times and after review of the details, I can confirm the drain down times address our former concerns.

Therefore, the MOD have no objections to the proposed development.”

## **East Cambridgeshire Access Group - 17 April 2019**

Is concerned that cars will cause obstructions by being on pavements.

### **ECDC Trees Team - 24 April 2019**

States that the submitted design has generous open space and a good soft landscape design. The tree protection and landscape plans will need to be conditioned.

### **18 October 2019**

States:

“The supplied Arboricultural Implication Assessment and Arboricultural Method Statement is acceptable and its compliance can be conditioned. The Supplied soft landscaping scheme is also acceptable.”

### **Ward Councillors -**

No Comments Received

### **Conservation Officer -**

No Comments Received

### **Parks and Open Space -**

No Comments Received

### **NHS England -**

No Comments Received

**CCC Growth & Development -**

No Comments Received

**Cambridgeshire Fire and Rescue Service -**

No Comments Received

5.2 157 neighbouring properties were notified and the responses received are summarised below. A site notice was displayed near the site on 13 May 2019 and a press advert was published in the Cambridge Evening News on 11 April 2019. A full copy of the responses are available on the Council's website.

18 Aves Close – 8 April 2019

Objects that Councillors can ignore public consultation in order to approve development.

24 April 2019

Site is outside of the village framework.

4 July 2019

States that the developer is putting up newt fencing before planning permission is granted. Asks why opinions are requested when a decision is already made.

5 September 2019

Requests that the previous 100s of objection letters should be referred to.

15 October 2019

Remains objecting to this proposal as it will ruin the village and only small affordable schemes aimed at young people are required.

2 Fordham Road – 18 September 2019

Objects on the basis of:

- Detrimental impact on infrastructure and services.
- The housing proposed is mainly for the Cambridge market and partially the London market; not for local people.

5 Fordham Road – 16 September 2019

Objects to this proposal on the grounds of:

- Impact on highway network/highway safety.
- Entrance is opposite their property.
- Disturbance to them from construction work and beyond.
- They will face more pollution due to the closeness of the development.

- Infrastructure/services within the village will not be able to support this development.
- Development not in style with the character of the village, their house is Edwardian in style.
- Impact upon biodiversity.
- Preliminary works on site already having a negative impact on their amenity and highway safety.

5A Fordham Road – 6 April 2019

Objects on the location of the access that will cause harm to their residential amenity.

67 West Street – 18 April 2019

The resident seeks clarification on the land labelled “reserved for private land” and would like to be reconsulted once this is clarified.

Seeks more bungalows as part of the proposal.

15 September 2019

Seeks amendments:

- More bungalows and distributed along the boundary of West Street.
- Place more of the public open space along the northern boundary.
- Limit the windows facing West Street.
- There should be a 5m buffer between garden and the paddock to the north.

5 St Andrews Close – 24 April 2019

Objects to the proposal on the grounds of:

- Highway safety and traffic movements.
- Primary School is over subscribed.
- No bus service when people require it.
- Lack of public open space within the village.

3 The Briars – 29 April 2019

Objects on the grounds of:

- That previous consultation has not been listened to.
- Character of the village.
- Impact on village services.
- Highway safety.
- Quality of architectural design of the proposal.
- Impact on biodiversity.

3 May 2019

Objects on the grounds of:

- Ignored public consultation.
- Lack of infrastructure.
- School capacity reached.

- Road capacity.
- Impact on biodiversity.
- Quality of architectural design of the proposal.

12 September 2019

Remains objecting to the proposal on:

- Development does not meet original guidance of a small cluster development.
- The existing open space is important to the character of the area.
- Existing traffic problems and the additional harm the development will bring.
- Lack of services within the village.
- Infrastructure is at capacity.
- Impact on biodiversity.

16 September 2019

Objects on the grounds of:

- Highway capacity.
- Lack of employment within the village.
- Stress of water supply/sewerage.
- Lack of services/infrastructure within village.
- Impacts of Mildenhall Airbase closing down.
- Will there be sufficient parking.
- Change in character from open space to dwellings.
- New homes will not be in character with the village.
- Increase in noise pollution.
- Why was there not a copy of the new local plan delivered to each resident?
- New dwellings will overshadow current properties.
- Will self build plots be single storey?
- Bungalows were to be built next to Hall Barn Road.
- Loss of view.
- Impact on biodiversity.
- What is the impact on The Beeches.

33 Woodpecker – 19 May 2019

Objects to this proposal as it does not provide suitable pedestrian accessibility to the wider Isleham area, which will promote greater use of private vehicles. Seeks a footpath/cycle link between Isleham and Fordham.

Proposal does not provide enough secure cycle storage.

21 October 2019

States:

“The housing layout remains unfit for residential living. It must be completely revised to provide a wide barrier to the Industrial Units on Hall Barn Lane.”

Also maintains the comments regarding footpath links.



Units 9-10 Hall Barn Road – 5 September 2019

Makes it clear that the work makes noise and they bought the site due to distance from residential properties.

Units 16/17 Hall Barn Road – 9 September 2019

States they have invested in this location and require the use of noisy machinery.

29a/29b/29c and 33 Hall Barn Road – 11 September 2019

Objects on the following grounds:

- Plots 116/11 so close to the property of 29B Hall Barn Road.
- Proposed bungalows should be placed near existing bungalows.
- Plots 116/117 will overlook 29A/B and C.
- Plots 116/117 will cause loss of light and be overbearing due to its closeness.
- Seeks bungalows behind their dwellings.
- With land level changes Plots 116-125 will look like townhouses/flats from West Street.
- Trees cannot be relied on to screen development.
- What safeguard is there to ensure the 5m boundary will be placed and remain.
- 29C Hall Barn Road was only allowed to build a bungalow to reflect the character of the local area.
- The gable end of a 2 storey dwelling will be an eyesore.

35B Hall Barn Road – 16 September 2019

Objects on the grounds of:

- Proposal will stop this being a village.
- There should be bungalows along the edge of Hall Barn Road.
- Garages should remain as parking spaces in perpetuity.
- 29C Hall Barn Road was only allowed to build a bungalow.
- Will the buffer zone be secure or will it allow for easier access to the rear of their properties?
- Lack of services within the village.
- Current infrastructure struggles to cope, e.g water/sewerage
- Impact on road network.
- Loss of biodiversity.

24 October 2019

Raises concerns in the regards to:

- Noise assessment does not take into account airplanes.
- Archaeological investigation is still required.
- Harm to their residential amenity
- Garages should not be converted.
- Security of buffer zone.
- Location of visitor parking.
- Water/Sewerage capacity.

- Power capacity.

### 37 Hall Barn Road – 19 September 2019

Objects to the proposal on the grounds of the detrimental impact it will have on local infrastructure and services. Infrastructure should be provided before the homes.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU1	Housing mix
HOU2	Housing density
HOU3	Affordable housing
ENV1	Landscape and settlement character
ENV2	Design
ENV4	Energy and water efficiency and renewable energy in construction
ENV7	Biodiversity and geology
ENV8	Flood risk
ENV9	Pollution
ENV14	Sites of archaeological interest
COM7	Transport impact
COM8	Parking provision

### 6.2 Supplementary Planning Documents

Design Guide SPD  
Flood and Water SPD

### 6.3 National Planning Policy Framework 2019

Chapter 2	Achieving sustainable development
Chapter 4	Decision making
Chapter 5	Delivering sufficient supply of homes
Chapter 8	Promoting healthy and safe communities
Chapter 9	Promoting sustainable transport
Chapter 10	Supporting high quality communication
Chapter 14	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	Conserving and enhancing the natural environment
Chapter 16	Conserving and enhancing the historic environment

### 6.4 Planning Practice Guidance

## 7.0 PLANNING COMMENTS

- 7.1 The main considerations are:
- Principle of Development
  - Residential Amenity
  - Visual Amenity
  - Highways and Parking provision
  - Ecology
  - Flood Risk and Drainage
- 7.2 Principle of Development
- 7.3 The principle of the development, the access onto the public highway and the impact upon local services/facilities/infrastructure was assessed at the outline stage (18/00363/OUM) and subsequently approved. This application is only dealing with the appearance, layout, scale and landscaping.
- 7.4 The Submitted Local Plan 2017 referred to in the outline consent has now been withdrawn and now has no weight in the determination of this application.
- 7.5 While the principle of the development is not in question at this reserved matters stage it should be noted that the Council still cannot demonstrate a continuous five year land supply.
- 7.6 The proposal has been shown to be coming in three main phases. The first, this application, covers the majority of the site, the second could be the individual submissions of reserved matters for the self-build units and the third is for the early years facility.
- 7.7 Residential Amenity
- 7.8 The developer has provided the required 5m buffer zone as defined by the outline application along the western and northern boundary. This has led to a separation distance from the rear walls of proposed plots 102 – 111 to the boundary line of existing properties of Hall Barn Road of approximately 15 metres, which is 5 metres in excess of the minimum guidance in the Design Guide SPD. It is also noted that bungalows are placed along the rear of the existing properties of The Briars; the distance of these proposed bungalows away from the dwellings on The Briars will stop the existing dwellings overlooking future residents and protect residential amenity.
- 7.9 Between the western edge of the site and the side wall of plot 116 (which has no side windows) there is a distance of 6 metres. The closest existing dwelling to this plot is 29b Hall Barn Road that directly faces towards the garden space of plot 116 and is located in total 17 metres away from the edge of the side wall of plot 116; it must be noted that the Design Guide only recommends 20m between rear inter-visible windows to prevent overlooking. The existing dwellings 35a and 35b Hall Barn Road are located over 28 metres away from the indicatively shown self-build plots. With the distances involved and well as the orientation of plots 116/117 there is not considered to be any detrimental harm to the residential amenity of the existing dwellings on the northwest edge of the site. The self-build plots will be duly fully assessed when these reserved matters are submitted.

- 7.10 The distance between the rear walls of plots 116 – 121 to the north of the edge of the site is approximately 13m, which reduces to 7 metres for plots 122-125. The land to the north of plots 116 – 125 appears to be paddock land and therefore its residential amenity does not need to be protected.
- 7.11 On the majority of the proposed dwellings the back to back distances exceed the minimum back to back distances set out in the Design Guide SPD; a small minority of the properties (for example plot 51 to 43/44) are just under the Design Guide SPD standard with a back to back distance of 19 metres. However, this is just a guide and on balance the layout is considered acceptable.
- 7.12 The approved development (18/01482/OUT) to the southwest of the site will slightly be overlooked by proposed plots 24 and 25. However, without this adjacent development seeking reserved matters it is difficult to assess the level of harm. Using the adjacent site's indicative layout the harm is considered to be minor-moderate loss of privacy to one plot's garden; but the adjacent site's indicative layout could be relatively easily amended to change layout/scale to prevent any noticeable harm. If a reserved matters application is received this will be taken into consideration as part of this assessment.
- 7.13 The outline application required a minimum amount of bungalows to be provided but placed no requirement that all proposed dwellings that are near existing residents must be single storey. The outline approval sought to provide additional protection to existing residents via the 5m buffer zone. A line of requiring only bungalows along Hall Barn Road and West Street would be unreasonable, as the developer has demonstrated a layout to prevent detrimental harm from two storey buildings.
- 7.14 The proposed dwellings have a range of garden sizes, but the vast majority of gardens have been designed to exceed the guidance in the Design Guide SPD.
- 7.15 The developer's Technical Noise Assessment revision 3 (30/09/19) shows that the level of external noise nearest the industrial units on Hall Barn Road will be below 50dB (which is below normal conversation levels). The Environmental Health Officer has raised no concerns over the impact to/from the businesses on Hall Barn Road. Concern has been raised that during the daytime Fordham Road is relatively noisy (external noise level of 60-65 dB) to the nearest properties, which is typical noise levels of a busy street or vacuum cleaner. However, with the road noise at night time much lower (external noise level of 45-50dB) it will not prevent people from sleeping with a partially open window as stated within the Technical Noise Assessment (30/09/19). While the daytime road noise is of some concern, as it might prevent people from working from home this is not considered a substantive reason to refuse the planning application, specifically when this road while busy is a standard residential 30mph road.
- 7.16 Aircraft noise was duly considered in the outline consent and is not a matter for this reserved matters application.
- 7.17 It is considered that residential amenity has been carefully thought through and complies with the requirements of ENV2 and ENV9 of the Adopted Local Plan.

- 7.18 Visual Amenity
- 7.19 Condition 13 on the outline consent provided design principles for future reserved matters that included:
- Public open space along the eastern boundary.
  - Strengthen landscape along western and northern boundary.
  - 5m wide buffer zone along western and northern boundary.
  - Up to 2 storey along western and northern boundary.
  - Up to 2.5 storey through the centre of the development.
- 7.20 This reserved matters application is in line with these design principles.
- 7.21 The existing surrounding area has a range of architectural styles; Fordham Road early 1900s, The Briars typical large scale modern homes with some architectural details, Hall Barn Road having a large proportion of bungalows and Aves Close a 1970s/80s style development with no specific character. There is also a range of building heights within the local area, though primarily single and two storey with a very limited number of two and a half storey properties within the wider village.
- 7.22 The proposal is primarily two storey, with some single storey properties and two and a half storey properties. The style of the development is inspired by the first half of the 1900s and is fairly architecturally safe that will neither detract nor specifically add to the character of an area in the terms of architectural style; this meeting the requirement of policy ENV2 to preserve the character of an area.
- 7.23 The change from an open field to a mix of residential and public open spaces has already been agreed in principle at the outline stage.
- 7.24 The developer has amended its house type designs to provide more architectural details, primarily to provide additional chimney features to create a more traditional roof scape and provided some 'tax' windows to break up large areas of brickwork.
- 7.25 The layout is considered to have been carefully thought through to ensure that there are principle elevations always facing roads/public open space and that shared driveways are overlooked.
- 7.26 The proposed materials are considered to provide a good variety on the site and have been deemed to be acceptable.
- 7.27 The proposed landscape is considered to be of a good quality, which includes a line of field maples and native hedge along Fordham Road to provide an attractive vista into the village.
- 7.28 The design is considered to be acceptable and meets with the requirements of ENV1 and ENV2 of the Adopted Local Plan.
- 7.29 Historic Environment

- 7.30 The proposed reserved matters due to its design and layout is considered to have a neutral impact to the built heritage of Isleham. On this basis is considered to comply with ENV11 and ENV 12 of the Adopted Local Plan.
- 7.31 Archaeology remains controlled within the outline consent.
- 7.32 Highways and parking provision
- 7.33 The developer has already gained approval at the outline stage for two access points onto Fordham Road, with one of these being for emergency access only, for up to 125 dwellings. The submitted plans at both the outline and reserved matters stage show a footpath running along the site boundary with Fordham Road.
- 7.34 The developer has provided amended details (drawing number P18-1261-18, amended 4 October 2019) to demonstrate that the highway widths meet with the requirements set out by the Local Highways Authority to ensure the roads are designed to adoptable standards.
- 7.35 The developer has also provided details of the emergency access to comply with the requirements of condition 21 on the outline consent.
- 7.36 The final comments from Local Highways Authority are agreed with in that the proposal will have no detrimental impact upon the highway safety within the site or onto Fordham Road. The conditions requested by the Local Highways Authority are contained within the outline consent.
- 7.37 The developer is providing 36% of its units with tandem parking and 64% of its units with non tandem parking spaces. With 254 parking spaces provided (not including the 50 garage spaces) there is 2.1 parking spaces per dwelling which meets the requirements of Policy COM8 and 3.9 visitor spaces per four dwellings, which is just under the requirement of one space per 4 dwellings sought by Policy COM8. However, it is noted that the developer has sought to provide as much visitor parking as possible while seeking to ensure the roads remain adoptable; County Council will not adopt roads with visitor spaces unless they serve a wider public function for instance public open space or education.
- 7.38 With the developer not relying on garage spaces to meet the requirements of Policy COM8 in the Adopted Local Plan, it would be unreasonable to remove permitted development rights to these properties.
- 7.39 The proposal is considered to comply with policies COM7 and 8 of the Adopted Local Plan.
- 7.40 Ecology
- 7.41 Condition 16 in the outline application required each reserved matters to provide suitable biodiversity improvements in line with the submitted ecology reports.
- 7.42 Notwithstanding the additional planting and SuDS details the developer is proposing, they are also providing a range of bird and bat boxes, as well as providing invertebrate boxes.

- 7.43 The 5m landscape buffer will also provide a biodiversity haven 'green corridor' due to the separation away from humans. It is also noted there is 'green corridor' that goes along the eastern edge of the site.
- 7.44 The level of biodiversity improvements is considered to be acceptable in regards to policy ENV7 of the Adopted Local Plan, as well as the requirements of the outline condition. A condition is recommended to ensure the proposed biodiversity measures are brought forward in a timely manner.
- 7.45 Flood Risk and Drainage
- 7.46 The developer has submitted a range of details as part of this application in regards to drainage, which are supported by the Lead Local Flood Authority. However, this is covered by a pre-commencement condition (condition 4) on the outline consent (18/00363/OUM) that will require a later discharge of condition once the layout is approved. There is no reason to expect that this condition, could not be discharged with this layout.
- 7.47 Foul water drainage is covered by the outline condition.
- 7.48 Renewable Energy
- 7.49 Condition 15 in the outline consent requires each reserved matters to demonstrate how it will comply with the requirement to provide a 19% improvement over building regulations in regards to renewable energy
- 7.50 The developer has provided the required Energy Statement and is seeking to provide solar panels as part of its renewable energy/efficiency of its proposal. However, there is no detail on which plots/elevations these solar panels will be included on. This can be overcome by a condition to ensure the solar panels are brought forward to ensure the proposal meets with the requirements of the outline consent and policy ENV4 of the Adopted Local Plan.
- 7.51 Housing Mix
- 7.52 The developer is providing the required 30% affordable housing (defined within the S106) and is a 77/23 mix between shared ownership/rented. The Housing Officer considers this mix to be acceptable in their latest comments and this view is agreed with.
- 7.53 The proposed overall affordable housing mix is:
- 12 one bedroom affordable dwellings
  - 12 two bedroom affordable dwellings
  - 4 three bedroom affordable dwellings
  - 1 four bedroom affordable dwelling
- 7.54 In regards to market properties there is:
- 14 two bedroom dwellings

- 7 three bedroom bungalows
  - 25 three bedroom dwellings
  - 37 four bedroom dwellings (with 6 of these being two a half storey properties)
- 7.55 The proposal provides a good mix of 1 to 4 bedroom properties, as well as providing the minimum amount of bungalows required by the outline consent. While it is noted that the developer is providing a top heavy (four bedroom) amount of market homes this remains in line with general principles of HOU1 and it is also positive to see a good provision of single bedroom units even if these are all to be affordable rent properties. The overall housing mix is considered to be acceptable and will provide for a wide range of people/families and has a good social mix.
- 7.56 The proposal complies with the requirement of HOU1 of the adopted Local Plan that generally seeks a mix of one to five bedroom properties, with the largest individual proportion being four bedroom dwellings.
- 7.57 Other Matters
- 7.58 The adoption/management of public open space, affordable housing provision, method of construction, road calming and impacts on services/infrastructure where covered in the outline application/S106 Agreement.
- 7.59 This reserved matters demonstrates that 1 hectare of land is being provided for sports and recreation and that meets the requirements of the S106; it is also this part of the legal agreement that ensures that there are no overhead powerlines over this space. The proposal also adds 1.59 hectares of public open space, which is in excess of what is required by the S106. Finally the developer has provided the required LEAP, which is located adjacent to the existing recreation grounds of The Beeches.
- 7.60 Planning Balance
- 7.61 The application has been amended several times in order to overcome concerns raised during the application process.
- 7.62 The proposal has now been designed taking into account the constraints of the site, the requirements of the outline permission (including S106) and the requirements of statutory bodies.
- 7.63 The design and layout has been considered acceptable to the Case Officer and is in general accordance with the Council's Design Guide SPD.
- 7.64 The proposal is considered to be acceptable, subject to the recommended conditions.
- 8.0 COSTS
- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have



acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.4 In this case members' attention is particularly drawn to the following points:

- No statutory objections to this proposal.
- Outline consent has already been granted.

## 9.0 APPENDICES

9.1 Appendix 1 -Recommended conditions

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00447/RMM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Planning Team Leader
18/00363/OUM	Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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 - 19/00447/RMM Conditions

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

Plan Reference	Version No	Date Received
EA129-LS-003	D	4th October 2019
P18-1261-01-02	ZJ	4th October 2019
P18-1261-03	i	4th October 2019
P18-1261-04	H	23rd October 2019
P18-1261-05	i	4th October 2019
P18-1261-11	L	4th October 2019
P18-1261-12	E	4th October 2019
P18-1261-18		4th October 2019
Bat and Bird box V7	V7	4th October 2019
P18-1007_09G House Type Pack		4th October 2019
Biodiversity compenstion and enhancement plan	V5	4th October 2019
EA129-EN-015	C	4th October 2019
EA129-EN100	E	4th October 2019
EA129-EN-101	E	4th October 2019
EA129-LS-001	E	4th October 2019
EA129-LS-002	D	4th October 2019
EA129-LS-004	E	4th October 2019
EA129-LS-006	F	4th October 2019
EA129-LS-007	C	4th October 2019
P18-2261_02	B	25th March 2019
EA129-EN-201	D	22nd August 2019
EA129-EN-200	C	22nd August 2019
EA129-LS-005	C	4th October 2019
P18-1261_06	B	25th March 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 the approval of the last of the reserved matters.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing numbers P18-1261\_03 Rev i and P18-1261\_06 Rev B. The boundary treatments shall be in situ and completed prior to the first occupation of the associated dwelling on the site. All works shall be carried out in accordance with the approved details and retained thereafter.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 4 The materials to be used in the construction of the external surfaces shall be as specified on P18-1261\_11 Rev L. All works shall be carried out in accordance with the approved details.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 The first floor windows shown on the approved plans as glazed using obscured glass shall be permanently retained in that condition thereafter.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 The landscaping and play equipment as defined on drawings P18-1261\_12, EA129-LS-001 Rev E, EA129-LS-002 Rev D, EA129-LS003 Rev D, EA129-LS-004 Rev E, EA129-LS-005 Rev C, EA129-LS-006 Rev F and EA129-LS-007 Rev C shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Prior to above ground construction work a scheme, including timeframe, for the provision of solar panels in accordance with Energy Strategy Statement July 2019 Version 5 shall be submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the approved details and thereafter retained and maintained in perpetuity.
- 7 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 8 The biodiversity measures hereby permitted shall be provided in accordance with the details specified on drawing numbers Bird and Bat Box Plan V7 and Biodiversity Compensation and Enhancement Plan V5. The biodiversity improvements shall be in situ and completed within a timeframe agreed, in writing prior to first occupation, with the Local Planning Authority. All works shall be carried out in accordance with the approved details and retained thereafter.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 9 The footpath improvements along Fordham Road as defined within drawings EA129-EN-200 Rev C and EA129-EN-201 Rev D shall be completed in accordance with a timeframe agreed in writing prior to first occupation with the Local Planning Authority. Development shall commence in accordance with the approved details.

- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

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**MAIN CASE**

**Reference No:** 19/00877/FUL

**Proposal:** Proposed five bedroom house and detached garage, parking, access and associated site works

**Site Address:** Plot 2 Site North West Of 72 West Street Isleham  
Cambridgeshire

**Applicant:** Mr & Mrs D Geach

**Case Officer:** Rachael Forbes, Planning Officer

**Parish:** Isleham

**Ward:** Fordham And Isleham  
Ward Councillor/s: Julia Huffer  
Joshua Schumann

**Date Received:** 3 July 2019      **Expiry Date:**

[U134]

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**1.0**      **RECOMMENDATION**

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

- 1) Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area. The proposed development by virtue of its scale and mass, would be out of keeping with the surrounding dwellings. It would be visually prominent in the street scene and would present an expanse of 15.3 metres on both the north east and south west elevations at a height of 7 metres and lacks articulation and interest. The proposed dwelling would appear to be a two storey dwelling against adjacent dwellings of 1.5 or single storey and would therefore be dominant and out of keeping in the street scene. The proposal fails to comply with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 as it does not provide a complementary relationship with the existing development or relate sympathetically to the surrounding area.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks permission for a five bedroom dwelling and detached garage at Plot 2 at 72 West Street, Isleham. Plot 2 was also part of another application, 19/00366/FUL, which was for three detached dwellings on land at 72 West Street, Isleham, which was split into three plots. Plot 2, under application 19/00366/FUL was originally proposed to be a two storey dwelling, which officers considered to be too large and was objected to by the Trees Officer as it was situated in the Root Protection Area (RPA) of the trees to the east, which are subject to a Tree Preservation Order (TPO). The plans were amended to reduce the scale and height of the dwelling and the dwelling was removed from the RPA, which was considered to be acceptable and the application was approved. This application sought permission for the original design for Plot 2, submitted under application 19/00366/FUL, which is a five bedroom, two storey dwelling. The plans have been amended to reduce the height, width and length of the proposed dwelling.
- 2.2 The application has been called in to Planning Committee by Cllr Schumann as he believes the application is very finely balanced and the Parish Council have no objections to it and therefore it should be taken to committee for consideration.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## **3.0 PLANNING HISTORY**

- 3.1 19/00366/FUL Construction of 3no. dwellings, Approved 21.08.2019  
parking, garaging, access  
road and associated site  
works

## **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 72 West Street is a single storey detached dwelling. To the west of the dwelling is a brick built outbuilding, which has planning consent to be converted under application 19/00366/FUL. There is an access between the dwelling and the outbuilding. To the rear of the dwelling is a closed board fence. Beyond this, there is land which the application form states was previously a farmyard and there are some outbuildings present which are proposed to be demolished as part of application 19/00366/FUL. To the east of the site there is a private road which serves approximately nine dwellings; there are TPO trees along the boundary of the site. To the west, there is a residential dwelling and its associated land. To the north is another residential dwelling, 70 West Street, which is a two storey dwelling. The site is within the development envelope for Isleham and is not within the Conservation Area.

## **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.

**Cadent Gas Ltd - 1 August 2019**

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

**Local Highways Authority - 1 August 2019**

I note that this plot is already subject to a current planning application number 19/00366/FUL. The proposal here does not increase the number of properties served off of the proposed access, nor does it affect access arrangements, turning and parking provision.

The conditions and informative recommended for 19/00366/FUL therefore remain applicable to this application.

**Local Highways Authority - 15 October 2019 (additional comments following amendment)**

The observations in my correspondence dated 1st August 2019 remains applicable. I note however that the red line boundary has been removed from the site layout plan that was present on that superseded plan; The Local Planning Authority may wish to have this reinstated.

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

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

**ECDC Trees Team - 1 August 2019**

Plot 2 is too close to the root protection area (RPA) for fencing alone as this will need to be moved to allow access ground protection will be required to facilitate building operations.

Plot 2 also appears to have hard standing of some sort located within the RPA of the trees this will need to be installed via reduced dig operations with details submitted for approval.

I'm concerned that the scale of the building in plot 2 will put it so close to the TPO trees that shading and leaf litter will be an issue and could lead to conflict with the future residents of plot 2 due to lack of light, blocked gutters and lack of grass.

I object to this application due to the detrimental effect it's likely to have on the neighbouring TPO trees.

**Conservation Officer - No Comments Received**

**Waste Strategy (ECDC) - 9 July 2019**

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

**Parish Council - 6 August 2019**

Objection on grounds of the following Material Planning Considerations:

Please see our previously submitted objections to 19/00366/FUL

Specifically that it is an over development of the site and the size of the properties are inappropriate to the land available.

**Parish Council – 22<sup>nd</sup> October 2019 (additional comments following amendment)**

No concerns about the application.

**Ward Councillors - No Comments Received**

5.2 Neighbours – 14 neighbouring properties were notified and no responses were received.

A site notice was displayed near the site on 11<sup>th</sup> July 2019 and a press advert was published in the Cambridge Evening News on 18<sup>th</sup> July 2019.

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 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

## 6.2 Supplementary Planning Documents

### Design Guide

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

Flood and Water

Developer Contributions and Planning Obligations

## 6.3 National Planning Policy Framework 2019

2 Achieving sustainable development

5 Delivering a sufficient supply of homes

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

## 6.4 Planning Practice Guidance

## 7.0 **PLANNING COMMENTS**

7.1 The main considerations of this application are: principle of development, visual amenity, residential amenity, highway safety, parking provision, ecology and trees, flood risk and drainage and other matters.

## 7.2 **Principle of Development**

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport but more limited development will take place in villages which have a defined development envelope. Within the defined development envelopes housing, employment and other development to meet local needs will normally be permitted – provided that there is no significant adverse impact on the character and appearance of the area and that all other material planning considerations are satisfied.

- 7.4 The site is located within the development envelope of Isleham and therefore the principle of development in this location would be considered acceptable subject to satisfying all other relevant material planning considerations.
- 7.5 The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all local planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

## **8.0 Visual Amenity**

- 8.1 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 8.2 The proposal seeks the provision of a two storey, five bedrooomed detached dwelling on Plot 2, to the north of the site. Plot 2 would sit behind Plot 1 and the existing dwelling (number 72) and would therefore be considered as backland development. Backland development is present along this section of West Street with dwellings to the rear of 48 and 50 West Street and 1 Hall Barn Road. There are also two dwellings behind 54 and 56 West Street. Although they are not strictly backland as they are accessed by a private road and not through the two dwellings, it is considered that the proposed development is similar to the development behind 54 and 56 in layout. It is therefore considered that backland development in this location would be considered acceptable.
- 8.3 Under application 19/00366/FUL, Plot 2 was originally proposed to be a two storey dwelling, with a larger footprint which encroached into the root protection area (RPA) of the TPO trees. Officers were concerned about the height and scale of the proposed dwelling. The height was reduced from two storey to 1.5 storey, the scale was reduced and the dwelling located outside of the RPA. This application originally proposed the dwelling at Plot 2 in its original form, however the plans have now been amended to reduce the height, length and width of the dwelling.
- 8.4 The proposed dwelling would be approximately 7 metres in height, 15.3 metres in width and 15.3 metres in length; this has been reduced from approximately 7.9 metres in height, 15.4 metres in width and 15.9 metres in length. The principal elevation has two projecting gables with a glazed centre section. The detached garage, which is approximately 5.8 metres in height, 9.1 metres in width and 6.9 metres in length, would be positioned in front of the eastern gable.
- 8.5 The adjacent plot to the south, Plot 1, has planning consent for a 1.5 storey dwelling which is approximately 7.1 metres in height (planning reference 19/00366/FUL). It is

approximately 27.7 metres wide at its widest point (including the attached garage) and 13 metres in length at its longest point. The existing dwelling to the front of the site is single storey, as is the adjacent proposed barn conversion (Plot 3 of 19/00366/FUL). 58 West Street, which is situated across the tree lined private road is approximately 7.8 metres in height, 22.8 metres in width (including the attached garage), and 26.4 metres in length. 58a West Street, which is adjacent to 58 West Street is approximately 6.9 metres in height, 16.9 metres in width and 13.7 metres in length.

- 8.6 While the proposed dwelling is of similar measurements to those in the vicinity, the neighbouring dwellings have a variety of heights, lengths and widths in the elevations to break up the length. The approved scheme on the adjacent Plot 1 is approximately 27.7 metres at its widest point, however the principal elevation is broken up by projecting gables of varying heights. It is approximately 13 metres in length at its longest point, however it does have smaller elements as well. The proposed dwelling at Plot 2 presents a two storey expanse, for the entire 15.3 metres, particularly on the north east and south west elevations. There is very little variation in height or width, with the exception of a very small single storey projection to both elevations.
- 8.7 Although the proposed dwelling is of a lower height than 58 West Street and a similar height to Plot 1 and 58a West Street, it does not give the appearance of a 1.5 storey dwelling or single storey dwelling, similar to those in the immediate street scene. While it is accepted that the proposal is a self-build project and therefore it would not necessarily be expected to match the design of neighbouring dwellings, it is considered that it would be expected to reflect the character of the dwellings. There were no other similar dwellings observed in the street scene; all of the dwellings to the front are single storey and 1.5 storey behind numbers 54 and 56 West Street.
- 8.8 It is considered that the proposal results in a dwelling which is of a scale and which is not in keeping with the existing built form in the area. It would give the appearance of a two storey dwelling in an area which is largely 1.5 storey and single storey dwellings and it would be visually prominent within the street scene. The proposal would be visually prominent on approach from the west and although not as visually prominent from the east when approaching on West Street, from the private road it would present an unbroken expanse of 15.9 metres on a dwelling that would be perceived as two storey.
- 8.9 It is considered that the proposal does not provide a complementary relationship with the existing development and is therefore contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

## **9.0 Residential Amenity**

- 9.1 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity. The plot size exceeds the guidance set out in the Design Guide SPD, which is 300sqm, the

built form does not exceed one third of the plot and the garden space exceeds 50sqm.

- 9.2 To the north of the application site is 70 West Street. To the direct east is a private road and on the opposite side of this is 58 and 58a West Street. To the south is the host dwelling, 72 West Street. To the west, adjacent to plot 3 is number 74 West Street.
- 9.3 The proposed dwelling is situated approximately 11.5 metres from the northern boundary, 7 metres to the eastern boundary and 4.9 metres to the western boundary. There are five windows at first floor level on the south east elevation, which serve bedrooms and the central section which will house the stairs. These windows will look towards the parking areas/garages of the dwelling at Plot 1. It is considered that the proposed dwelling would look towards the parking area/garage of the proposed dwelling at Plot 1 and would not result in any residential amenity impacts to Plot 1.
- 9.4 On the north west elevation, there are three first floor windows serving bedrooms. The closest of the three windows is approximately 11.5 metres from the boundary and will look towards the side elevation and private amenity space of the dwelling to the rear, 70 West Street. It is considered that the windows are of a sufficient distance not to result in a significant overlooking impact.
- 9.5 There are windows at first floor level on the north east and south west elevations, the windows in the north east elevation both serve showers; there is 7 metres between the windows and the boundary and private road between the proposed dwelling and the dwellings opposite and it is considered that this would be sufficient to not result in an overlooking impact. In respect of the windows facing west, the land directly opposite does not appear to be part of the residential curtilage of the property and it is therefore considered that the proposed dwelling would not result in an overlooking impact.
- 9.6 It is considered that there is sufficient distance between the dwellings to not result in an overbearing impact; there is approximately 11m between the proposed dwelling and the approved dwelling at Plot 1, 20 metres between the proposed dwelling and 58/58a West Street and 65 metres between the proposed dwelling and 74 West Street.
- 9.7 Given the sun's natural path rising in the east and setting in the west, it is considered that the main impact would be to number 70 West Street as it is north of Plot 2. However, there is sufficient distance (approximately 15 metres) between the dwellings as to not result in a significant impact to residential amenity by virtue of overshadowing.
- 9.8 The Trees Officer raised concern that the proposed dwelling being so close to the trees would result in conflict for the future occupiers of the dwelling as the trees will cause shading to the north east elevation of the dwelling and the garden, as well as result in leaf litter, lack of light, blocked gutters and a lack of grass which could lead to conflict with the future residents. Therefore, the Trees Officer has objected to the

application due to the detrimental effect the proposal is likely to have on the neighbouring TPO trees.

- 9.9 In respect of residential amenity, the windows on the north east elevation serve three shower rooms, a utility room and a secondary kitchen window and there is a large garden area to the north west of the proposed dwelling as well as the area to the north east and it is therefore considered that there would not be a significant impact to residential amenity.
- 9.10 It is therefore considered that the proposed dwellings would not result in a significant adverse impact to residential amenity and would provide high standards of amenity to future occupiers in accordance with policy ENV 2 of the East Cambridgeshire Local Plan, 2015

## **10.0 Highways**

- 10.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. The proposal seeks to utilise the existing access. The access will be 5 metres in width for the first 15 metres. The Local Highway Authority has been consulted as part of the application and have raised no objections to the application in principle. They have requested conditions in relation to the access being laid out as per the approved plan with the access 5 metres wide for 15 metres and turning and parking areas to be laid out prior to occupation.
- 10.2 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. The parking standards set out that there should be two car parking spaces per dwelling and 1 cycle parking space. The proposed dwelling has two car parking spaces and a double garage. There are no cycle spaces shown on the plan, however, it is considered that there would be sufficient space to accommodate these.
- 10.3 It is therefore considered that the proposal complies with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015 in respect of highway safety and car and cycle parking.

## **11.0 Ecology and Trees**

- 11.1 Policy ENV7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
- 11.2 The plans show that the hedge on the eastern boundary is to be retained. The TPO trees on the western boundary would also be retained. The application form states that there are no protected or priority species or designated sites important habitats

or other biodiversity features on the site. No further ecological information was sought under the previous application 19/00366/FUL due to the site being considered as unsuitable for protected species and therefore it would be unreasonable and unnecessary to request this information now. However, biodiversity enhancements could be secured by condition.

- 11.3 There are TPO trees adjacent to the site and the Trees Officer has raised concern regarding the proximity of the proposed dwelling to the trees as it is too close to the root protection area (RPA) for fencing alone as the fencing will need to be moved to allow access and ground protection will be required to facilitate building operations. The Trees Officer has further commented that 'Plot 2 also appears to have hard standing of some sort located within the RPA of the trees this will need to be installed via reduced dig operations with details submitted for approval'. It is considered that a Tree Protection Plan could be secured by condition.
- 11.4 The Trees Officer has also raised concern around the scale of the building being so close to the trees and leading to conflict with future residents in respect of shading and leaf litter; this has been addressed in the residential amenity section of this report.
- 11.5 The proposal is therefore considered to comply with policy ENV 7 of the East Cambridgeshire Local Plan, 2015.

## **12.0 Flood Risk and Drainage**

- 12.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The policy states that development would not be permitted where:
- It would intensify the risk of flooding during the lifetime of the development taking into account climate change allowances, unless suitable flood management and mitigation measures can be agreed and implemented.
  - It would increase the risk of flooding of properties elsewhere during the lifetime of the development, taking into account climate change allowances, by additional surface water run-off or by impeding the flow or storage of flood water.
  - It would have a detrimental effect on existing flood defences or inhibit flood control and maintenance work.
  - The risk of flooding would cause an unacceptable risk to safety; or
  - Safe access is not achievable from/to the development during times of flooding, taking into account climate change allowance.
- 12.2 The application site is situated within flood zone 1, where development is expected to be situated and where flood risk is low and therefore would not require the submission of a flood risk assessment. The application forms states that surface water would be disposed of via soakaways, with foul water to be disposed of via mains sewer. No further details have been provided, however these could be secured by condition if the application was approved.
- 12.3 The proposal is therefore considered to comply with policy ENV 8 of the East Cambridgeshire Local Plan, 2015.

### **13.0 Other Matters**

- 13.1 Policy ENV 9 of the East Cambridgeshire Local Plan, 2015 states that all development proposals should minimise and where possible, reduce all emissions and other forms of pollution, including light and water pollution and ensure no deterioration in air or water quality. Proposals will be refused where there are unacceptable pollution impacts, including surface and groundwater quality.
- 13.2 The Scientific Officer was consulted as part of approved application 19/00366/FUL at the same site and has commented that the site is at very low risk of land contamination but due to the sensitive end use of the site and requested a condition that if contamination is found that was not previously identified that work must cease and a site investigation and risk assessment carried out. It is therefore considered that a full contamination report would not be required for this site.
- 13.3 The proposal is therefore considered to comply with policy ENV 9 of the East Cambridgeshire Local Plan, 2015.

### **14.0 Planning Balance**

- 14.1 The National Planning Policy Framework promotes sustainable development and states in Paragraph 11 that decisions should apply a presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. Paragraph 11 makes it clear that where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
- I. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 14.2 It is considered that the proposal would result in a dwelling which is of a scale, mass and height which is not in keeping with the existing built form in the area. It has the appearance of a two storey dwelling, which does not reflect the surrounding residential development and it would be visually prominent within the street scene. The proposal would be visually prominent on approach from the west and although not as visually prominent from the east when approaching on West Street, from the private road it would present an unbroken expanse of 15.3 metres at a height of 7 metres. The proposal is therefore considered to be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.
- 14.3 In accordance with the NPPF, it is considered that the disbenefits of the scheme significantly and demonstrably outweigh the benefit of a limited contribution to the reduction in the deficit in the Council's five year housing land supply.
- 14.4 The application is therefore recommended for refusal.

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/00877/FUL	Rachael Forbes Room No. 011	Rachael Forbes Planning Officer
19/00366/FUL	The Grange Ely	01353 665555 rachael.forbes@eastcambs.gov.uk

National Planning Policy Framework -

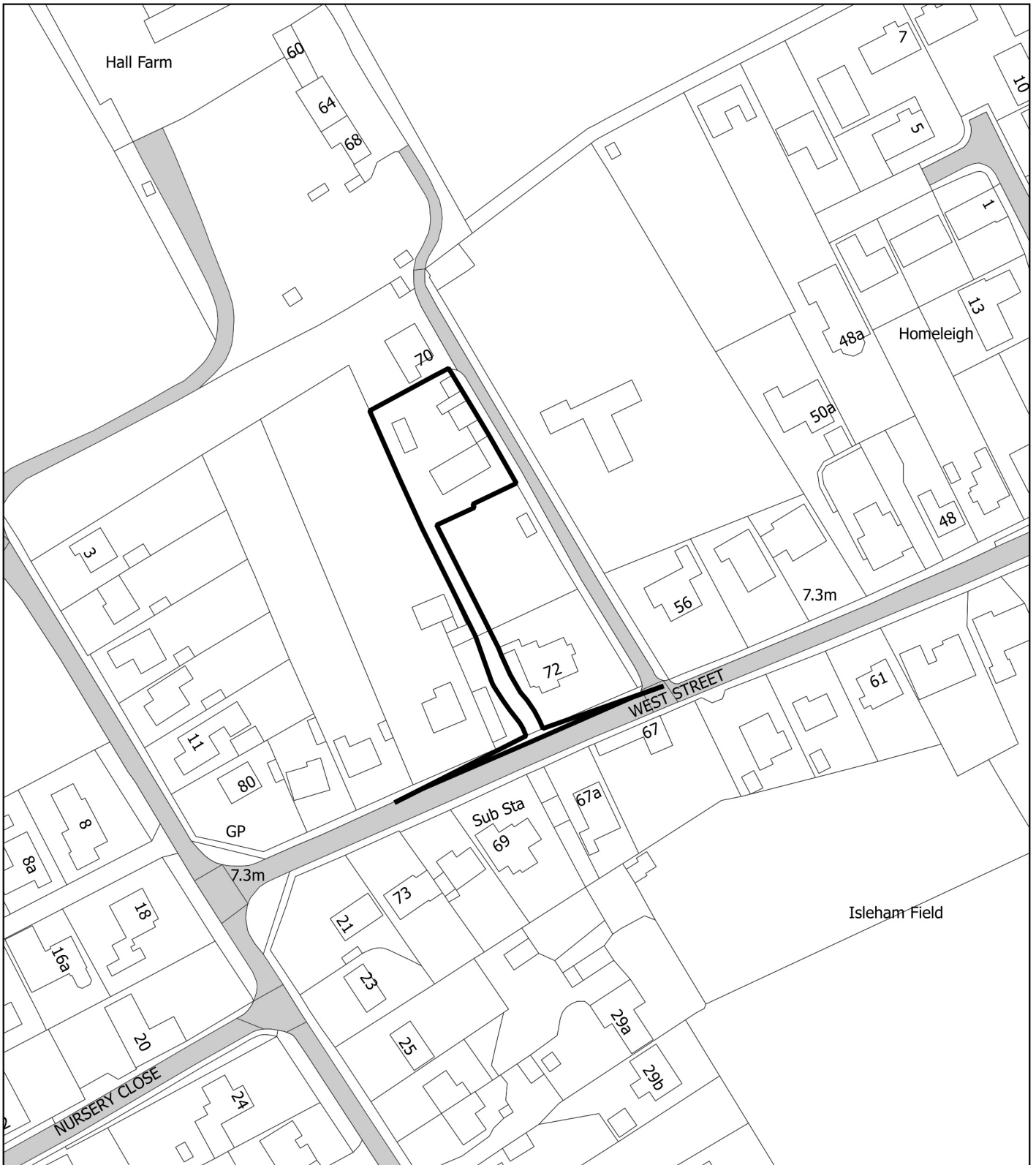
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

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>







19/00877/FUL

Plot 2  
Site North West of  
72 West Street  
Isleham



East Cambridgeshire  
District Council

Date: 19/11/2019  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 19/00939/FUL

**Proposal:** Proposed residential development comprising one replacement dwelling and one new dwelling

**Site Address:** Amani 43 Prickwillow Road Queen Adelaide Ely  
Cambridgeshire CB7 4SH

**Applicant:** Mr Ralph Mortlock

**Case Officer:** Dan Smith, Planning Consultant

**Parish:** Ely

**Ward:** Ely North  
Ward Councillor/s: Simon Harries  
Alison Whelan

**Date Received:** 13 August 2019      **Expiry Date:** 10 December 2019  
[U135]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to refuse the application for the following reasons:
- 1.1.1 The proposed new dwelling, which is classified as a 'more vulnerable' development in Table 2 of the NPPF Planning Practice Guidance, would be sited within Flood Zone 3 as identified by the Environment Agency flood zone maps, where the Sequential Test must be passed for the development to be approved. The application fails to pass the Sequential Test as there are reasonably available sites elsewhere within the locality with a lower probability of flooding and is therefore contrary to policy ENV 8 of the East Cambridgeshire Local Plan, the Cambridgeshire Flood and Water SPD, the provisions of the PPG on Flooding and Coastal Change and the National Planning Policy Framework 2019.
- 1.1.2 The proposed dwellings are located within the countryside and, by virtue of their distance from the nearest settlements of Queen Adelaide and Prickwillow and other local services and facilities; the lack of any public transport serving the site; and the lack of footpath or cycleway links, are situated in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of the dwellings would be heavily reliant on private motor vehicles in order to access any local services or facilities. The proposed development would therefore cause harm in terms of the social and environmental elements of sustainable development. This identified harm would significantly and demonstrably outweigh the benefits derived from the provision of the dwellings, contrary to policies ENV 2,

COM 7, GROWTH 2 and GROWTH 5 of the East Cambridgeshire Local Plan 2015 and paragraphs 11 and 79 of the National Planning Policy Framework 2019.

- 1.1.3 The proposed development, by virtue of its scale, massing and design, would be out of scale and character with neighbouring residential dwellings and with the established pattern of development in the immediate area and would cause significant harm to the visual amenity of the area and the wider countryside contrary to policies HOU 8, ENV 1 and ENV 2 of the adopted East Cambridgeshire Local Plan. The identified harm is considered to significantly and demonstrably outweigh the benefits associated with the development contrary to paragraph 11 and 170 of the National Planning Policy Framework 2018.
- 1.1.4 The proposed development, by virtue of its inability to adequately mitigate noise to external areas and internal habitable rooms, would fail to provide a suitable level of amenity to the future occupants of the dwellings, contrary to policies ENV 2 and ENV 9 of the adopted East Cambridgeshire Local Plan. The identified harm is considered to significantly and demonstrably outweigh the benefits associated with the development contrary to paragraphs 11 and 180 of the National Planning Policy Framework 2018.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks full planning permission for the erection of a replacement dwelling and one additional dwelling on site. A planning permission for a smaller replacement dwelling at the south western end of the site was granted on the site under reference 16/00953/FUL but has expired during the course of the determination of the current application.
- 2.2 The application has been referred to Planning Committee at the request of Councillor Lis Every.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 PLANNING HISTORY

- 3.1 Planning permission was granted for a replacement dwelling on the site under reference 16/00953/FUL. That permission expired in September 2019.
- 3.2 A planning application (reference 19/00940/FUL) for the replacement of the existing dwelling is also currently under consideration.

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is a shallow parcel of land running alongside Prickwillow Road bounded to the rear by the Ely to Norwich railway line, the embankment of which stands approximately 2.5 metres above the level of the site. The site also sits below the level of Prickwillow Road and the existing vehicle access slopes down to the site

relatively steeply. The site is largely covered in grass and ruderal, while a small, dilapidated corrugated metal shed at the south western end of the site close to a pile of rubble presumed to be the remains of the bungalow that previously occupied the site.

- 4.2 The site is enclosed by a post and rail fence to the front as well as hedging and other planting. There are trees and a close boarded fence to the south west side boundary and a hedge bounds the north eastern side boundary. The railway embankment encloses the entirety of the rear boundary of the site, and is partly overgrown with brambles.
- 4.3 The land to the north and south of the site is open and flat. The neighbouring properties on either side of the site are low level bungalows, with the dwelling to the south west having a large outbuilding to the side and rear. The site is not located within any development envelope and is in the countryside, the nearest development envelopes being those of Queen Adelaide 700m to the West and Prickwillow 1.8 km to the East. There is neither a footpath nor street lighting alongside the road in either direction. The site is located entirely within Flood Zone 3.

## 5.0 RESPONSES FROM CONSULTEES

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

### **Environmental Health - 5 September 2019**

Recommends that a condition requiring site investigation is not required but recommends that a condition in respect of unexpected contamination is required due to the proposed sensitive end use (residential).

Initially stated that in respect of external (garden) sound levels, the submitted Noise Impact Assessment (NIA) advises that mitigation will be required in order to meet acceptable sound levels and that the 2m high close boarded acoustic boundary fence would achieve acceptable external noise levels. However, has since stated that a closed boarded fence would reduce the sound levels to an acceptable level only if it breaks the line of site between the noise source and the receptor. The main train noise will be from the wheels on the track and as the NIA states that the train tracks sit on a bank roughly 2.5-3m higher than the site it would seem that a 2m high fence may not be sufficient to achieve this.

In respect of internal sound levels, the NIA finds that acceptable internal sound levels can only be met with closed windows and trickle ventilation which does not meet the expectations of the ECDC Planning Team. Advises repositioning sensitive rooms so as they are not facing on to the railway line or explore other options to reduce internal noise impact.

### **Local Highways Authority - 12 September 2019**

States it has no objections to the proposed development on the basis that adequate visibility and parking provision can be achieved, subject to conditions requiring the closure of the existing access, the provision of parking and turning areas and a scheme detailing the crossing of the ditch with the new access.

**CCC Growth & Development**

No Comments Received

**ECDC Trees Team**

No Comments Received

**Waste Strategy (ECDC) - 28 August 2019**

States it will not enter private property to collect waste receptacles and notes recommended maximum bin drag distances and its prerogative to charge for the provision of waste receptacles.

**The Ely Group Of Internal Drainage Boards - 9 September 2019**

States that the site is within the Padnal and Waterden Internal Drainage Board and that it has no objection to the use of soakaways to deal with surface water provided they form an effective means of disposal. Requests to be consulted if soakaways are found not to be effective and notes its consent is required to discharge into any watercourse in the district.

**Environment Agency - 4 September 2019**

States it does not object to the proposed development. Recommends that the mitigation measures proposed in the submitted FRA are adhered to, particularly that the finished floor levels of the dwelling would be 1 metre above the existing ground level and that flood resilient construction would be up to 300mm above the finished floor level. Provides advice on emergency flood warning and evacuation and foul drainage.

**Network Rail**

No Comments Received

**Parish - 28 August 2019**

The City of Ely Council states it has no concerns regarding the application.

**Ward Councillors – 25 October 2019**

District Councillor Every called in the application to Planning Committee on the grounds that the proposed development is acceptable in visual terms and provides two family homes, that flood risk can be mitigated and that the location is sustainable.

**Public Consultation**

5.2 A site notice was displayed near the site on 29 August 2019 and a press advertisement was published on 22 August 2019. In addition, two neighbouring properties were notified by letter. No responses were received in response to the public consultation.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1 Levels of housing, employment and retail growth

GROWTH 2 Locational strategy

GROWTH 3 Infrastructure requirements

GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
HOU 8	Extension and replacement of dwellings in the countryside
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

- 6.2 Supplementary Planning Documents  
*Design Guide – Adopted March 2012*  
*Flood and Water – Adopted November 2016*  
*Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010*  
*Developer Contributions and Planning Obligations – Adopted May 2013*

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

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main planning considerations in this case are the principle of development; impact on visual amenity; residential amenity; highway safety and parking provision; contamination; flood risk and drainage; contamination and biodiversity.

**7.2 Principle of Development**

7.2.1 Policy GROWTH 2 states that outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. It states that development will be restricted to certain categories, including the replacement of existing dwellings, and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied. The support for replacement dwellings is on a one-for-one basis and there is therefore no policy support for the second of the dwellings proposed for the site as it would be a new market dwelling located outside any development envelope which is not a category exempt from the general policy of restraint in the countryside required by policy GROWTH 2.

- 7.2.2 Policy HOU 8 relates to replacement dwellings identifies that proposals which seek to replace an existing dwelling in the countryside will only be supported where:
- The replacement dwelling is of a scale and design which is sensitive to its countryside setting, with its height being similar to that of the original dwelling. (If an alternative height is proposed, the applicant will be expected to demonstrate that the scheme exhibits exceptionally high quality of design and enhances the character and appearance of the locality);
  - The proposal is within the existing curtilage;
  - The residential use of the dwelling has not been abandoned;
  - Proposals accord with Policy ENV 2 on design and other relevant Local Plan policies; and,
  - Proposals have regard to maximising carbon neutrality.

7.2.3 As a whole, the proposed development would not comply with policy GROWTH 2 which seeks to direct new dwellings to the most sustainable locations within the district.

7.2.4 Furthermore, as detailed within the Flooding section below, the proposed development, by virtue of its location within Flood Zone 3, would be contrary to policy ENV 8 and the Planning and Flood Risk section of the NPPF. This makes the proposed development unacceptable in principle.

### **7.3 Visual Amenity**

7.3.1 The dwelling which previously occupied the south western portion of the site has been removed and there is little evidence of its previous existence, save for the access to the site, a dilapidated tin shed and a rubble pile. That dwelling was a small, low level single storey bungalow in render with a hipped roof. While the dwelling has been removed, it is accepted that the site has previously had a dwelling on it and that a replacement dwelling on the site would not be out of character with the pattern of development in the area.

7.3.2 Planning permission 16/00953/FUL granted permission for a replacement dwelling on that part of the site. That replacement dwelling was a single storey dwelling with rooms in the roof lit by dormer windows. The previous replacement dwelling increased the footprint of the dwelling by approximately 40% and increased the ridge height to allow the provision of rooms in the roof. It was considered that given the very limited scale of the original dwelling, these increases were justified in order to allow a good level of modern living, while maintaining the modest scale of the dwelling within its rural setting, among other dwellings of a similarly limited scale and it was considered appropriately designed, in keeping with the context of the site.

7.3.3 The dwelling now proposed for that half of the site under this current application has a higher ridge by approximately half a metre and is approximately 2 metres wider. The front projecting gable is now full height as opposed to single storey on the previous approval and the design now incorporates cat-slide dormers to the front and side elevations. The dwelling is now considerably larger than the original dwelling on the site and this is contrary to policy HOU 8 which requires that the height of the dwelling be similar to that of the original. One of the strengths of the



previously approved replacement dwelling was its simplicity and traditional roof and window forms. However, the design of the new dwelling now appears overly complicated and contrived with the asymmetric projecting gable, large glazed entrance way and cat-slide dormers failing to create a cohesive design in character with the simple dwellings in the vicinity and would appear completely out of context in the surrounding fenland landscape.

- 7.3.4 A mirror image dwelling is also proposed for the north eastern half of the site. Clearly, in addition to all of the above concerns regarding design applying equally to the second dwelling, it would also result in a significantly greater level of development on the site than previously permitted. This level of development would not be typical of the area which is characterised by small dwellings set within and separated by wider parcels of land.
- 7.3.5 The proposed development is therefore considered to be unacceptable in terms of its scale and design and would be out of scale and character with the modest and simple dwellings which characterise the development alongside this part of Prickwillow Road. The development of the north eastern part of the site would also result in the loss of a visual break between the proposed and existing dwellings which is considered to overly urbanise the immediate streetscene, contrary to the current pattern of development along Prickwillow Road. It would cause significant harm to the visual amenity and character of the area and is therefore contrary to policies ENV1 and ENV 2 of the East Cambridgeshire Local Plan 2015 which require that development creates positive, complementary relationships with existing development and has regard to local preserving, enhancing and enriching the character, appearance and quality of an area. This harm would be exacerbated by the need to raise the land levels and finished floor levels significantly above the current established land levels on site as this would further increase the visual impact of the development.

## **7.4 Residential Amenity**

- 7.4.1 The proposed dwellings would be sited a sufficient distance from neighbouring dwellings on either side that they would not cause any significant harm to the amenity of the occupants of those dwellings through loss of light, visual intrusion or overshadowing. Equally, they would not overshadow each other and would provide adequate levels of light and outlook for future occupants.
- 7.4.2 There are no first floor windows proposed in the elevations facing the neighbouring dwellings and there would not be any significant overlooking of neighbouring dwellings from the first floor front and rear facing windows. As the dwellings are mirror images, the side facing first floor windows in the dwellings would face each other, however, given they both serve bathrooms, any loss of privacy from window-to-window overlooking would be able to be mitigated by obscure glazing the windows. It is therefore considered that the proposed dwelling would not result in any significant loss of privacy to the occupants of neighbouring dwellings nor create any issues of privacy for future occupants.
- 7.4.3 The dwellings would have private gardens of a scale commensurate with their size and in excess of the minimum requirement of 50sqm per dwelling contained within the Council's Design Guide.

- 7.4.4 Given the proximity of the railway line to the proposed dwellings, there is significant potential for noise disturbance to the occupiers of the properties. While it is accepted that a single dwelling has been present on the site and the occupiers of that dwelling subject to such noise impacts, the proposal is for an additional dwelling which means any harm to amenity from noise sources would have an adverse impact on the additional occupiers. A Noise Impact Assessment (NIA) has been submitted with the application which concludes that the impact of the railway line on noise levels in external areas would be acceptable subject to the installation of a 2 metre high acoustic fence. However, given that the 2 metre high fence would be located at the base of the 2.5 metre high embankment, it is considered unlikely that the fence would break the line of sight from a significant amount of the garden area to the railway line. As a result it is considered likely that noise levels in the external amenity areas would exceed acceptable levels and that a suitable level of amenity would not be afforded to occupiers.
- 7.4.5 Furthermore, the submitted NIA confirms that acceptable night time internal noise levels can only be achieved if habitable room windows remain closed and trickle ventilation is used. This means that occupants would not be able to open windows at night without suffering noise levels in excess of those considered acceptable. This is considered to be unacceptable in terms of the level of residential amenity it would provide future occupants.
- 7.4.6 It is therefore considered that the proposed development is unacceptable in terms of its impact on residential amenity in accordance with policies ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015.

## **7.5 Highway safety and parking provision**

- 7.5.1 There is an existing vehicle access onto the site which served the dwelling that previously occupied the site. The two dwellings would have individual accesses located fairly centrally on the frontage. The Local Highways Authority has confirmed that adequate visibility splays from the proposed accesses exist within the adopted highway to allow safe egress from the site. The proposed block plan shows a layout which would allow vehicles for both dwellings to turn on site ensuring they could leave both accesses in a forward gear. On that basis, the accesses to and from the sites are considered to be acceptable.
- 7.5.2 The application proposes parking spaces for two domestic vehicles on site as well as a single garage serving each dwelling. This is in accordance with the minimum provision of two spaces per dwelling required by policy COM 8 as detailed in the Council's adopted parking standards. The level of parking provision is therefore considered acceptable and necessary given the location of the dwellings is only realistically accessible by car.
- 7.5.3 Subject to conditions requiring the permanent closure of the existing access, details of the new vehicle crossing and the provision of the proposed parking and turning areas, the proposed development is considered to be acceptable in terms of highway safety and parking in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## **7.6 Flood Risk and Drainage**

- 7.6.1 The application site is located within Flood Zone 3 meaning it is at a high probability of surface water flooding. Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 7.6.2 Paragraph 158 of the NPPF states that development should not be permitted if there are other reasonably available sites appropriate for the proposed development, located in areas with a lower probability of flooding and requires that a sequential approach is taken to the location of development based on flood risk, meaning development should as far as possible be directed towards areas with the lowest probability of flooding. The NPPF requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a Flood Risk Sequential Test. The Local Planning Authority must determine whether the application site passes the NPPF Sequential Test.
- 7.6.3 Policy ENV8 of the East Cambridgeshire Local Plan 2015 states that the Sequential Test and Exception Test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1. In respect of this application, the Sequential Test would need to demonstrate that there are no other reasonably available sites at lower risk of flooding in order for the sequential test to be passed.
- 7.6.4 The applicant has included FRAs relating to the proposed dwellings. A Sequential Test has been provided as part of the FRAs which states that large parts of the district area within Flood Zone 3 and therefore limited opportunities exist for the provision of the dwellings in an area at lower risk of flooding. However, given the location of the site within the Ely area the conclusion that there are limited opportunities for the provision of two dwellings locally is not accepted. To the contrary, there are a number of allocated sites for housing within the Ely, as specified within the East Cambridgeshire Local Plan 2015. In addition, a number of planning permissions for new dwellings have recently been approved in more sustainable locations within Ely which are within Flood Zone 1. It is therefore considered that there are a number of other reasonably available sites for housing development within the locality which are at a lower probability of flooding. Therefore, the application has failed to demonstrate that the proposed additional dwellings are necessary in this location and the application fails the Sequential Test for this reason.
- 7.6.5 In dismissing an appeal in respect of an application for new dwellings elsewhere in Flood Zone 3 within the district, a planning inspector recently supported the Council's case that the Sequential Test had not been passed as other sites that could accommodate the dwellings and were at a lower risk of flooding were available in the parish. That appeal decision is appended to this report (Appendix 1).
- 7.6.6 Had the Sequential Test been passed, then the Exception Test should then be applied, guided by the submitted Flood Risk Assessment. The Exception Test requires the development to demonstrate that it provides wider sustainability benefits to the community that outweigh flood risk and that the development will be

safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce overall flood risk. Both elements need to be passed for development to be allocated or permitted under paragraph 161 of the NPPF.

- 7.6.7 The submitted FRA states that the provision of two dwellings would provide towards to the Council's housing targets. The implication is that this is a wider sustainability benefit to the community to pass the first part of the Exception Test. However, as noted above there are other permissions granted for housing in areas at lower risk of flooding as well as housing allocations for such. Given that both the dwellings proposed would be at risk of flooding, it is not considered that their provision and the very modest contribution towards the Council's housing targets that would be made is of sufficient benefit to the community to outweigh the flood risk. The development is therefore considered to fail part one of the exception test.
- 7.6.8 As the proposal fails to pass the Sequential Test it is considered to unnecessarily place dwellings in an area at significant risk of flooding, contrary to Policy ENV8 of the East Cambridgeshire Local Plan 2015, the provisions of the PPG on Flooding and Coastal Change, the Cambridgeshire Flood and Water SPD, and the National Planning Policy Framework 2019.

## **7.7 Contamination**

- 7.7.1 The Council's Scientific Officer has considered the submitted environmental search and has confirmed that intrusive site investigations in respect of potential land contamination are not required. A condition regarding the methodology for assessment and remediation of any unanticipated contamination found during construction is requested.
- 7.7.2 On that basis it is therefore considered that the proposed development is acceptable in terms of the risks of land contamination in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

## **7.8 Biodiversity**

- 7.8.1 No buildings capable of providing bat roosting or bird nesting habitat remain on site. The site is largely covered with grass and ruderal, but it is not considered to provide significant habitat or biodiversity benefit at present. The NPPF and East Cambridgeshire Local Plan 2015 policy ENV 7 require that development enhance biodiversity and it is considered that the proposed development could achieve this through measures, including for example, bird and bat boxes which could be incorporated into the final design.
- 7.8.2 It is therefore considered that the proposal complies with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 in respect of the protection and enhancement of biodiversity.

## **7.9 Planning Balance**

- 7.9.1 As detailed in the Principle of Development section above the development is contrary to the adopted policy of restraint in respect of market housing in the

countryside. As set out in the Visual Amenity section the dwellings are considered to cause significant harm to the visual amenity of the area, contrary to policies ENV 1, ENV 2, HOU 8 and GROWTH 2 of the East Cambridgeshire Local Plan 2015.

- 7.9.2 Furthermore, the location of the new residential development within Flood Zone 3, which is at the highest risk of flooding, is contrary to the NPPF and Local Plan policy ENV 8 as there are other sites not located within the Flood Zone which are suitable for development.
- 7.9.3 The identified harm results in a lack of sustainability in respect of the environmental objective of the NPPF.
- 7.9.4 The Council currently cannot demonstrate a 5 year housing land supply and therefore the housing policies within the Local Plan are considered to be out of date and paragraph 11 of the NPPF states that development should be considered in the context of the presumption in favour of sustainable development. The presumption in favour of sustainable development is the golden thread throughout the NPPF and is echoed in Policy GROWTH 5 of the Local Plan. The sustainability or otherwise of a particular development proposal is therefore a key material consideration in determining planning applications, particularly in those cases where relevant housing policies are considered out of date, due to the absence of a five year land supply.
- 7.9.5 Paragraph 8 of the NPPF defines sustainable development as having three dimensions: Social, Economic and Environmental. These give rise to three key roles of the planning system. In practice the presumption in favour of development means that development proposals should be approved 'unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance [including areas at risk of flooding or coastal change] provides a clear reason for refusing the development proposed; or,
  - ii. any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.
- 7.9.6 Given the location of the site within Flood Zone 3 and the failure of the application to pass the sequential and exception tests, the appropriate application of policies within the NPPF which relate to flooding provide a clear reason for refusing the development as per clause i of paragraph 8 of the NPPF. In that instance, the application of the tilted balance (detailed within clause ii) is not engaged. It is therefore necessary to refuse the application on the basis of the harm to flood risk.
- 7.9.7 Notwithstanding that, in any event, the site is not considered to be sustainably located. It is over 700m from the nearest development envelope with no footpath links and no street lighting. Occupants of the site would therefore be heavily reliant on the car to gain access to services and facilities. This would not accord with the requirements of the NPPF nor the environmental dimension of sustainable development and the location remote from such services and facilities would weigh against the social dimension of sustainable development.
- 7.9.8 Due to the lack of accessible services and facilities and public transport, the dwellings would also result in occupants relying almost exclusively on private motor

vehicles for access to the services in the wider area and for access to jobs and social opportunities more widely. On that basis, the proposed development is considered to perform badly against the social element of sustainability, which focusses on the need for development to support strong, healthy communities by providing housing to meet the needs of current and future generations and by providing accessible services.

- 7.9.9 The scheme is also considered to perform badly against the environmental role of sustainability which focusses on the need to protect and enhance the environment through using natural resources prudently, minimising pollution, and mitigating and adapting to climate change. The over-reliance on private motor vehicles and the requirement to travel considerable distance to access even the most basic services and facilities would not be sustainable from an environmental point of view.
- 7.9.10 On that basis, the site is not considered to be sustainably located. Even if the site were not located within Flood Zone 3 and the 'tilted balance' in clause ii of the NPPF engaged, the harm to sustainability, residential amenity of future occupiers through noise disturbance and visual impact would be such that the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme, namely the provision of two dwellings towards the district housing stock and the limited benefits that would result in respect of temporary employment from construction, additional viability of local services and facilities, increases to the local labour market and any limited ecological enhancement.
- 7.9.11 As a result, the consideration of the scheme on the tilted balance also indicates that the proposed development should be refused.

## 8.0 Costs

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural, i.e. relating to the way a matter has been dealt with; or substantive, i.e. relating to the previous planning history of the site and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

## 9.0 Appendices

- 9.1 Appendix 1 – Appeal Decision APP/V0510/W/18/3218751

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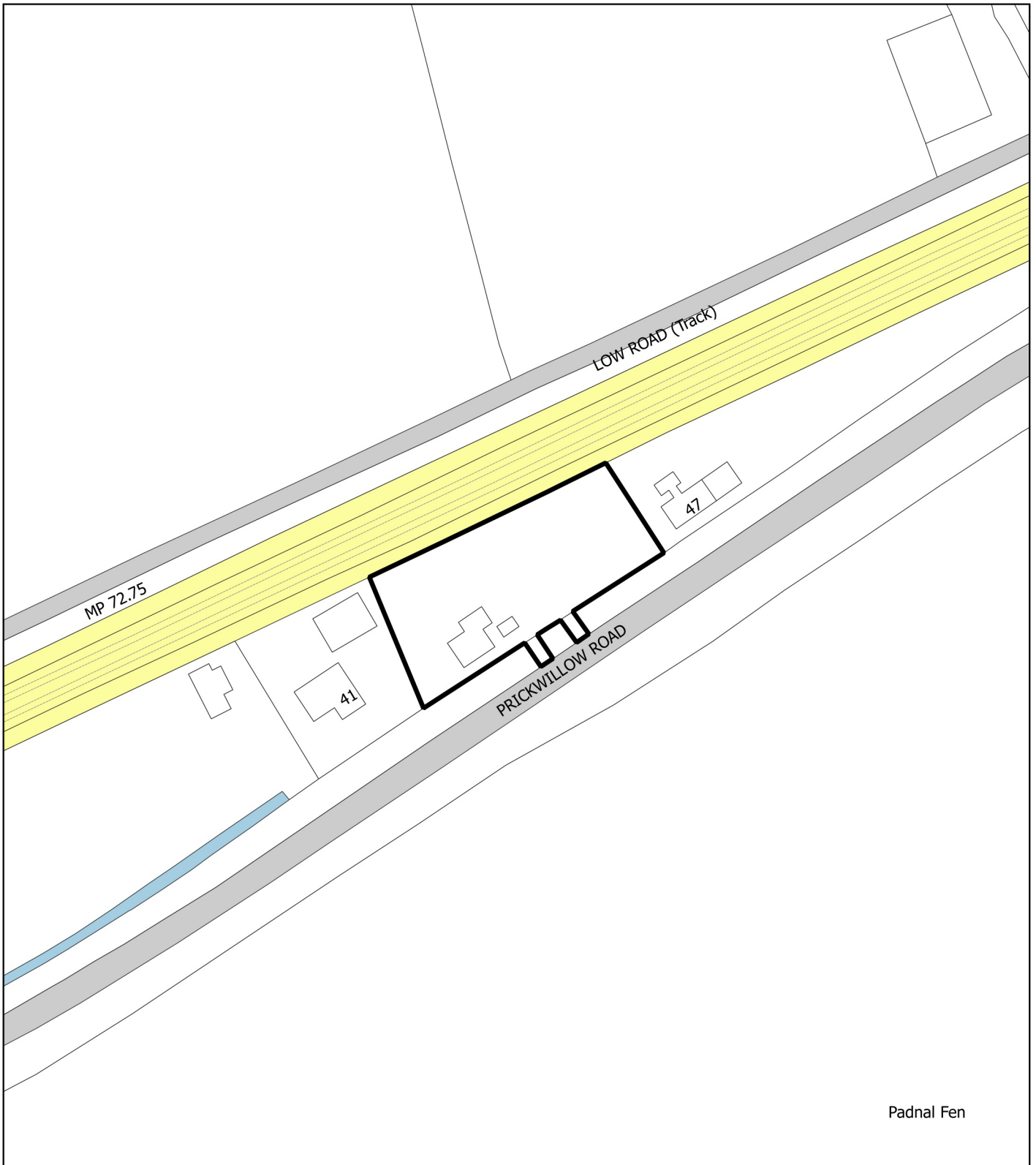
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/00939/FUL	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@eastca mbs.gov.uk

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>



19/00939/FUL

Amani 43 Prickwillow Road  
Queen Adelaide



East Cambridgeshire  
District Council

Date: 19/11/2019  
Scale: 1:1,200



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## Appeal Decision

Site visit made on 30 April 2019

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

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**Appeal Ref: APP/V0510/W/18/3218751**

**Land north of 14 New River Bank, Littleport, CB7 4TA**

- 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 Ray Miller against the decision of East Cambridgeshire District Council.
  - The application Ref 17/01857/FUL, dated 13 October 2017, was refused by notice dated 2 August 2018.
  - The development proposed is construction of new four bedroom house with garaging and associated site works.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are (a) whether the proposal would be acceptable having regard to its location and access to services and facilities, (b) the effect on the character and appearance of the area and (c) whether it has been demonstrated that the development is necessary in Flood Zone 3.

### Reasons

3. The appeal site comprises an open pasture field located on the eastern side of New River Bank, a main road which runs along the River Great Ouse to the east of the market town of Littleport.
4. It lies to the north of a small number of dwellings that front New River Bank to the south. To the north of the site is Riverside Farm, set within farmland, and beyond that there is a further small group of properties.

#### *Location and access to services / facilities*

5. The site lies outside the defined development envelope of the town of Littleport where Policy GROWTH2 of the East Cambridgeshire Local Plan (2015) (LP) states that development will be strictly controlled having regard to the need to protect the countryside and the setting of towns and villages, subject to a number of listed exceptions providing there is no significant adverse effect on the character of the countryside and that other local plan policies are satisfied. The proposal does not fall within any of the exception categories.
6. LP Policy COM7 requires development to reduce the need to travel, particularly by car, and that it should promote sustainable forms of development appropriate to its particular location. The appellant contends that the site is within reasonable walking distance of both the station and the centre of the

town. However, this would involve using the 'green' footpath along the riverbank, which connects with the two crossing points over the river, some distance to the north and south of the site. There is no pavement along New River Bank and such a walk would not be manageable by all. I also note that there is no bus service; however, I accept that cycling is an option albeit this would be along the main road. Overall, I consider that this would result in the majority of trips being made using the car. The development would not therefore reduce the need to travel by car and would only promote sustainable forms of transport to a limited extent.

7. In seeking to promote sustainable transport, paragraph 103 of the National Planning Policy Framework (the Framework) notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and paragraph 110 states that priority should be given to pedestrian and cycle movements, so far as possible, and access to high quality public transport should be facilitated. Notwithstanding that the site is in a rural location, albeit reasonably close to the settlement of Littleport, it is my view that there would be little opportunity to use sustainable modes of transport.
8. Overall, I find that the proposal would be contrary to the above LP policies and the policies of the Framework that seek to promote sustainable transport.

#### *Character and appearance*

9. The site is a substantial area of agricultural land, currently comprising an open undeveloped part of the countryside that surrounds the town of Littleport, and which provides a pleasant rural landscape setting to it. The eastern side of New River Bank is characterised by some sporadic dwellings set within large plots. However, these are interspersed with large open areas of undeveloped farmland. The appellant suggests that the site could be considered as an 'infill' plot within what is described as ribbon development, but in my view, the built development that exists does not provide a continuous built up frontage within which it might be argued that infill development would be appropriate.
10. The appellant also suggests that the proposed dwelling, by reason of its sympathetic 'rural' design, form and materials, would integrate into the landscape with areas of ecological enhancement and native tree planting and hedgerows. However, whilst the proposed 'green' design and appearance of the proposal is noted and I acknowledge that this would provide, to an extent, an open, landscaped setting, it would nevertheless introduce a substantial building into this currently undeveloped and completely open site with additional areas of driveway and hardstanding for the parking of cars. This would introduce a visually prominent and intrusive form of development, mitigated to only a limited degree by the proposed landscaping. In addition, I note that as part of the flood mitigation proposals it would be necessary to build the dwelling on a raised bund, 1 metre above existing ground levels. This would exacerbate the visual impact of the proposed dwelling.
11. Overall, I consider that the proposal would detract from the open nature of the site and its relatively undeveloped surroundings. Thus, it would conflict with LP policies ENV1 and ENV2 which seek to ensure that development is sympathetic to settlement character including the space between settlements and their wider landscape setting and complements local distinctiveness. For the above reasons the proposal would also fail to comply with paragraphs 127 and 170 of the Framework which seek to ensure that development is

sympathetic to local character, including the surrounding landscape setting, and recognises the intrinsic character and beauty of the countryside.

*Flood risk*

12. The site is located in Flood Zone 3 where vulnerable development such as that proposed should be avoided. LP Policy ENV8 states that new development should normally be located in Flood Zone 1 and that elsewhere the Sequential Test and Exception Test will be applied as appropriate. This policy is supported by the Cambridgeshire Flood and Water SPD which sets out in detail how such tests should be undertaken to support proposed development. The Framework states that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
13. Whilst the appellant has provided a Flood Risk Assessment (FRA) that has satisfied the Environment Agency in terms of demonstrating that the dwelling itself would be flood resilient, no Sequential Test has been provided. The Council contends that there are a number of potential alternative sites comprising allocations, sites with planning permission and windfall sites. The appellant states that it cannot be agreed that there are other reasonably available sites in the Parish that will accommodate the proposal, stating that they are too small for the proposed development given that the site would need to be equal in size to that of the appeal site. However, no detailed assessment of any sites is provided to support this conclusion, in the absence of which it is not possible to conclude whether that would be the case. In addition, no specific justification has been provided in support of the contention that an alternative site needs to be the same size as the appeal site.
14. I therefore conclude that the Sequential Test has not been satisfied. Whilst I acknowledge that the flood defences in the area have been considerably improved in the recent past and that the appellant notes that flooding has been non-existent since that time, it is agreed that the site remains in flood zone 3 to which the above test applies. The National Planning Policy Guidance (PPG) also states that the Exception Test, which should be applied following the application of the Sequential Test, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The FRA makes reference to the use of the station as providing a wider sustainable benefit to the community, but in my view, this would be only a limited benefit. I consider that this does not demonstrate that the development would provide wider sustainability benefits to the community that outweigh the flood risk such as to pass the Exception Test, even had the Sequential Test been satisfied.
15. I find that the proposal would therefore be contrary to LP policy ENV8, the Council's SPD and to Framework paragraphs 155, 158 and 160.

**Other Matters**

16. It is agreed that the Council cannot currently demonstrate a five year supply of housing. However, whilst this would 'trigger' the application of Framework paragraph 11(d), I have also found that the application of policies in the Framework that protect areas or assets of particular importance, that is areas

at risk of flooding, provide a clear reason for refusing the development proposed. Therefore, the presumption in favour of sustainable development does not apply in these circumstances.

17. In seeking to deliver a sufficient supply of homes, the Framework, at paragraph 78, states that housing should be located where it will enhance or maintain the vitality of rural communities. I acknowledge that the proposal would provide a modest benefit of an additional house to local housing supply, and it would be likely to support the facilities of Littleport, albeit in a way that would involve the use of the car for the majority of journeys.
18. Framework paragraph 79 states that the development of isolated homes in the countryside should be avoided unless one of the listed circumstances apply. This includes where the design is of exceptional quality, defined as set out. The appellant argues that the design of the dwelling has been based on the intent of meeting the requirements of this paragraph, though in my view, the proposal would not be an 'isolated' home. However, whilst it would incorporate many 'sustainable design' features and would be a low carbon, energy efficient house in line with PassivHaus standards, and these features are to be welcomed, I do not consider them to result in a design of 'exceptional quality' nor would it, in my view, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area, for the reasons given above. It does not therefore satisfy this paragraph in my view.
19. The appellants are life-long residents of the area and have close family connections; the proposal would also provide accessible accommodation for their elderly parents. This would provide for a local need; however, for the reasons set out above, it has not been demonstrated that the proposed development is the only way in which such needs could be met. It is also contended that the land is no longer economically viable for agricultural cultivation, though no detailed information is provided, nor is there any indication as to what other countryside uses have been considered.
20. The appellant also suggests that dwellings have been permitted recently in the vicinity of the site; however, I have not been provided with any detailed information in this respect and in any event, I am required to determine this application on the basis of the particular circumstances before me.
21. I have also noted the support for the development from local Councillors, but this does not lead me to alter my conclusions above regarding the main issues.
22. Overall, I attribute only limited weight to these factors.

### **Conclusions**

23. For the reasons set out above, I find that there would be conflict with the development plan. Having regard to all material considerations, including the relevant policies of the Framework, it is my view that these do not indicate a decision other than in accordance with the development plan.
24. I therefore conclude that this appeal should be dismissed.

*P Jarvis*

INSPECTOR

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**MAIN CASE**

**Reference No:** 19/00940/FUL

**Proposal:** Proposed replacement dwelling (similar to proposals to those approved under 16/00953/FUL)

**Site Address:** 43 Prickwillow Road Queen Adelaide Ely Cambridgeshire CB7 4SH

**Applicant:** Ralph Mortlock

**Case Officer:** Dan Smith, Planning Consultant

**Parish:** Ely

**Ward:** Ely North  
Ward Councillor/s: Simon Harries  
Alison Whelan

**Date Received:** 13 August 2019      **Expiry Date:** 10 December 2019  
[U136]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to refuse the application for the following reason:

1.1.1 The proposed development, by virtue of its scale, massing and design, would result in a dwelling which would be significantly larger than the one it would replace and out of scale and character with neighbouring residential dwellings and would cause significant harm to the visual amenity of the area and the wider countryside contrary to policies HOU 8, ENV 1 and ENV 2 of the adopted East Cambridgeshire Local Plan. The identified harm is considered to significantly and demonstrably outweigh the benefits associated with the development contrary to paragraphs 11 and 170 of the National Planning Policy Framework 2018.

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks full planning permission for the erection of a replacement dwelling on site. A planning permission for a smaller replacement dwelling was granted on the site under reference 16/00953/FUL but has expired during the course of the determination of the current application.

2.2 The application has been referred to Planning Committee at the request of Councillor Lis Every.

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

### 3.0 PLANNING HISTORY

3.1 Planning permission was granted for a replacement dwelling on the site under reference 16/00953/FUL. That permission expired in September 2019.

3.2 A planning application (reference 19/00939/FUL) for the replacement of the existing dwelling and the erection of a second dwelling is also currently under consideration.

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is a shallow parcel of land running alongside Prickwillow Road bounded to the rear by the Ely to Norwich railway line, the embankment of which stands over two metres above the level of the site. The site also sits below the level of Prickwillow Road and the existing vehicle access slopes down to the site relatively steeply. The site is largely covered in grass and ruderal, while a small, dilapidated corrugated metal shed at the south western end of the site close to a pile of rubble presumed to be the remains of the bungalow that previously occupied the site.

4.2 The site is enclosed by a post and rail fence to the front as well as hedging and other planting. There are trees and a close boarded fence to the south west side boundary and a hedge bounds the north eastern side boundary. The railway embankment encloses the entirety of the rear boundary of the site, and is partly overgrown with brambles.

4.3 The land to the north and south of the site is open and flat. The neighbouring properties on either side of the site are low level bungalows, with the dwelling to the south west having a large outbuilding to the side and rear. The site is not located within any development envelope and is in the countryside, the nearest development envelopes being those of Queen Adelaide 700m to the West and Prickwillow 1.8 km to the East. There is neither a footpath nor street lighting alongside the road in either direction. The site is located entirely within Flood Zone 3.

### 5.0 RESPONSES FROM CONSULTEES

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

#### **Environmental Health - 7 November 2019**

Initially stated that in respect of external (garden) sound levels, the submitted Noise Impact Assessment (NIA) advises that mitigation will be required in order to meet acceptable sound levels and that the 2m high close boarded acoustic boundary fence would achieve acceptable external noise levels. However, has since stated that a closed boarded fence would reduce the sound levels to an acceptable level only if it breaks the line of site between the noise source and the receptor. The main

train noise will be from the wheels on the track and as the NIA states that the train tracks sit on a bank roughly 2.5-3m higher than the site it would seem that a 2m high fence may not be sufficient to achieve this.

In respect of internal sound levels, the NIA finds that acceptable internal sound levels can only be met with closed windows and trickle ventilation which does not meet the expectations of the ECDC Planning Team. Advises repositioning sensitive rooms so as they are not facing on to the railway line or explore other options to reduce internal noise impact.

**Local Highways Authority - 16 September 2019**

States it has no objections to the proposed development on the basis that adequate visibility and parking provision can be achieved, subject to conditions requiring the closure of the existing access, the provision of parking and turning areas and a scheme detailing the crossing of the ditch with the new access.

**CCC Growth & Development**

No Comments Received

**ECDC Trees Team**

No Comments Received

**Waste Strategy (ECDC) - 28 August 2019**

States it will not enter private property to collect waste receptacles and notes recommended maximum bin drag distances and its prerogative to charge for the provision of waste receptacles.

**The Ely Group Of Internal Drainage Boards - 9 September 2019**

States that the site is within the Padnal and Waterden Internal Drainage Board and that it has no objection to the use of soakaways to deal with surface water provided they form an effective means of disposal. Requests to be consulted if soakaways are found not to be effective and notes its consent is required to discharge into any watercourse in the district.

**Environment Agency - 5 September 2019**

States it does not object to the proposed development. Recommends that the mitigation measures proposed in the submitted FRA are adhered to, particularly that the finished floor levels of the dwelling would be 1 metre above the existing ground level and that flood resilient construction would be up to 300mm above the finished floor level. Provides advice on emergency flood warning and evacuation and foul drainage.

**Network Rail - 24 September 2019**

States that the developer must ensure that their proposal, both during construction and after completion of works on site does not encroach onto Network Rail land; affect the safety, operation or integrity of the company's railway and its infrastructure; undermine its support zone; damage the company's infrastructure; place additional load on cuttings; adversely affect any railway land or structure; over-sail or encroach upon the air-space of any Network Rail land; cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

It also makes recommendations to any future developer regarding future maintenance; drainage; plant and materials; scaffolding; piling; fencing; lighting; noise and vibration; landscaping and vehicle incursion.

**Parish - 28 August 2019**

The City of Ely Council states it has no concerns regarding the application.

**Ward Councillors – 25 October 2019**

District Councillor Every called in the application to Planning Committee on the grounds that the proposed development is acceptable in visual terms and provides a family home, that flood risk can be mitigated and that the location is sustainable.

**Public Consultation**

5.2 A site notice was displayed near the site on 29 August 2019 and a press advertisement was published on 22 August 2019. In addition, two neighbouring properties were notified by letter. No responses were received in response to the public consultation.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
HOU 8	Replacement
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

*Design Guide – Adopted March 2012*

*Flood and Water – Adopted November 2016*

*Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010*

*Developer Contributions and Planning Obligations – Adopted May 2013*

6.3 National Planning Policy Framework 2019

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 5	Delivering a sufficient supply of homes
Section 6	Building a strong, competitive economy
Section 9	Promoting sustainable transport
Section 11	Making effective use of land



Section 12	Achieving well-designed places
Section 14	Meeting the challenge of climate change, flooding and coastal change
Section 15	Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main planning considerations in this case are the principle of development; impact on visual amenity; residential amenity; highway safety and parking provision; contamination; flood risk and drainage; contamination and biodiversity.

**7.2 Principle of Development**

7.2.1 Policy GROWTH 2 states that outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. It states that development will be restricted to certain categories, including the replacement of existing dwellings, and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.

7.2.2 Policy HOU 8 relates to replacement dwellings and states that proposals which seek to replace an existing dwelling in the countryside will only be supported where:

- The replacement dwelling is of a scale and design which is sensitive to its countryside setting, with its height being similar to that of the original dwelling. (If an alternative height is proposed, the applicant will be expected to demonstrate that the scheme exhibits exceptionally high quality of design and enhances the character and appearance of the locality);
- The proposal is within the existing curtilage;
- The residential use of the dwelling has not been abandoned;
- Proposals accord with Policy ENV 2 on design and other relevant Local Plan policies; and,
- Proposals have regard to maximising carbon neutrality.

7.2.3 While there is general policy support for a replacement dwelling on the site, based on the detailed consideration of its visual impact and the conclusion that the dwelling would cause visual harm to the character and appearance of the area (see 'visual amenity' section below), the proposal is not considered to comply with policy ENV 2 and therefore also fails to accord with policies HOU 8 and GROWTH 2.

**7.3 Visual Amenity**

7.3.1 The dwelling which previously occupied the site has been removed and there is little evidence of its previous existence, save for the access to the site, a dilapidated tin shed and a rubble pile. That dwelling was a small, low level single storey bungalow in render with a hipped roof. While the dwelling has been removed, it is accepted that the site has previously had a dwelling on it and that a dwelling on the site would not be out of character with the pattern of development in the area.

7.3.2 Planning permission 16/00953/FUL granted permission for a replacement dwelling on the site. That replacement dwelling was a single storey dwelling with rooms in

the roof lit by dormer windows. The previous replacement dwelling increased the footprint of the dwelling by approximately 40% and increased the ridge height to allow the provision of rooms in the roof. It was considered that given the very limited scale of the original dwelling, these increases were justified in order to allow a good level of modern living, while maintaining the modest scale of the dwelling within its rural setting, among other dwellings of a similarly limited scale and it was considered appropriately designed, in keeping with the context of the site.

7.3.3 The dwelling now proposed for the site under this current application has a higher ridge by approximately half a metre and is approximately 2 metres wider. The front projecting gable is now full height as opposed to single storey on the previous approval and the design now incorporates cat-slide dormers to the front and side elevations. The dwelling is now considerably larger than the original dwelling on the site and this is contrary to policy HOU 8 which requires that the height of the dwelling be similar to that of the original. One of the strengths of the previously approved replacement dwelling was its simplicity and traditional roof and window forms. However, the design of the new dwelling now appears overly complicated and contrived with the asymmetric projecting gable, large glazed entrance way and cat-slide dormers failing to create a cohesive design in character with the simple dwellings in the vicinity and would appear completely out of context in the surrounding fenland landscape.

7.3.4 The proposed dwelling is therefore considered to be unacceptable in its scale and design as it would be both significantly larger than the original dwelling, contrary to policy HOU 8 and would be out of scale and character with the modest and simple dwellings which characterise the development alongside this part of Prickwillow Road. It would cause significant harm to the visual amenity and character of the area and is therefore contrary to policies ENV1 and ENV 2 of the East Cambridgeshire Local Plan 2015 which require that development creates positive, complementary relationships with existing development and has regard to local preserving, enhancing and enriching the character, appearance and quality of an area. This harm would be exacerbated by the need to raise the land levels and finished floor levels significantly above the current established land levels on site as this would further increase the visual impact of the development.

## **7.4 Residential Amenity**

7.4.1 The proposed dwelling would be sited a sufficient distance from neighbouring dwellings on either side that it would not cause any significant harm to the amenity of the occupants of those dwellings through loss of light, visual intrusion or overshadowing.

7.4.2 There are no first floor windows proposed in the elevation facing the neighbouring dwelling to the South West and the first floor window in the elevation facing the neighbouring dwelling to the North East is a bathroom window which could be required to be obscurely glazed. It is therefore considered that the proposed dwelling would not result in any significant loss of privacy to the occupants of neighbouring dwellings.

7.4.3 The dwelling would have a private garden of a scale commensurate with its size and in excess of the minimum requirement of 50sqm contained within the Council's

Design Guide. The location of the site between the Prickwillow Road and the railway line means that occupants would be subject to significant noise disturbance both to external amenity areas and internal rooms. A Noise Impact Assessment has not been submitted with the application given the residential use of the site. It is likely that the proposed dwelling would be constructed to a significantly higher level of insulation meaning noise impact on internal rooms would likely be improved when compared to the previous dwelling. On the basis that the site has until recently been occupied by a residential dwelling which would have suffered a similar if not greater level of noise from the road and railway, it is considered that the proposed dwelling can be accepted in terms of its noise sensitivity in this instance as it is a replacement dwelling which would improve noise insulation compared to the previous dwelling.

7.4.4 It is therefore considered that the proposed development is acceptable this instance.

## **7.5 Highway safety and parking provision**

7.5.1 There is an existing vehicle access onto the site which served the dwelling that previously occupied the site. The new proposed access would be moved further to the north east along the frontage. The Local Highways Authority has confirmed that adequate visibility splays from the proposed access exist within the adopted highway to allow safe egress from the site. The proposed block plan shows a layout which would allow vehicles to turn on site ensuring they could leave in a forward gear. On that basis, the access to and from the site is considered to be acceptable.

7.5.2 The application proposes parking spaces for three domestic vehicles on site. This is in excess of the minimum provision of two spaces required by policy COM 8 as detailed in the Council's adopted parking standards. The level of parking provision is therefore considered acceptable and at least two spaces are necessary given the location of the dwellings is only realistically accessible by car.

7.5.3 Subject to conditions requiring the permanent closure of the existing access, details of the new vehicle crossing and the provision of the proposed parking and turning areas, the proposed development is considered to be acceptable in terms of highway safety and parking in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## **7.6 Flood Risk and Drainage**

7.6.1 The application site is located within Flood Zone 3, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding. The development type proposed is classified as 'more vulnerable', in accordance with Table 2 of the NPPF Planning Practice Guidance. Given that this is a replacement dwelling, the new dwelling would not result in any additional dwellings being at risk of flooding and it is therefore not necessary to apply the sequential test in respect of other potential locations for new dwellings in areas of lower flood risk.

7.6.2 The submitted Flood Risk Assessment has proposed that the finished floor levels of the dwelling would be 1 metre above the existing ground level and that flood resilient construction would be up to 300mm above the finished floor level. The

dwelling would also provide a first floor refuge were flooding to occur, which was not something offered by the bungalow which previously occupied the site. On that basis, the proposed development is considered acceptable in terms of its impact on and susceptibility to flood risk.

7.6.3 There is no obvious impediment to providing adequate foul and surface water drainage on site and the details of such arrangements could be secured by condition.

7.6.4 It is therefore considered that the proposed development is acceptable in terms of flood risk and drainage in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015.

## **7.7 Contamination**

7.7.1 The Council's Scientific Officer has considered the submitted environmental search and has confirmed that intrusive site investigations in respect of potential land contamination are not required. A condition regarding the methodology for assessment and remediation of any unanticipated contamination found during construction is requested.

7.7.2 On that basis it is therefore considered that the proposed development is acceptable in terms of the risks of land contamination in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

## **7.8 Biodiversity**

7.8.1 No buildings capable of providing bat roosting or bird nesting habitat remain on site. The site is largely covered with grass and ruderal, but it is not considered to provide significant habitat or biodiversity benefit at present. The NPPF and East Cambridgeshire Local Plan 2015 policy ENV 7 require that development enhance biodiversity and it is considered that the proposed development could achieve this through measures, including for example, bird and bat boxes which could be incorporated into the final design.

7.8.2 It is therefore considered that the proposal complies with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 in respect of the protection and enhancement of biodiversity.

## **7.9 Planning Balance**

7.9.1 As detailed in the Principle of Development and Visual Amenity sections, above, the dwelling is considered to cause significant harm to the visual amenity of the area, contrary to policies ENV 1, ENV 2, HOU 8 and GROWTH 2 of the East Cambridgeshire Local Plan 2015. The harm would therefore also result in a lack of sustainability in respect of the environmental objective of the NPPF.

7.9.2 However, the Council currently cannot demonstrate a 5 year housing land supply and therefore the housing policies within the Local Plan are considered to be out of date and paragraph 11 of the NPPF states that development should be considered in the context of the presumption in favour of sustainable development. The

presumption in favour of sustainable development is the golden thread throughout the NPPF and is echoed in Policy GROWTH 5 of the Local Plan. The sustainability or otherwise of a particular development proposal is therefore a key material consideration in determining planning applications, particularly in those cases where relevant housing policies are considered out of date, due to the absence of a five year land supply.

- 7.9.3 Paragraph 8 of the NPPF defines sustainable development as having three dimensions: Social, Economic and Environmental. These give rise to three key roles of the planning system. In practice the presumption in favour of development means that development proposals should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies of the NPPF taken as a whole and against the policies of the Local Plan which do not specifically relate to the supply of housing, or whether any specific policies within the NPPF indicate that the development should be restricted.
- 7.9.4 A balancing exercise therefore needs to be carried out between the adverse impacts identified above and the benefits of the scheme, detailed below. As part of that balance, in the absence of a five year supply, considerable weight and importance should be attached to the benefit which the proposal brings in terms of delivery of new homes.

#### **Benefits of the scheme**

- 7.9.5 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.
- 7.9.6 The social benefits of the scheme are the provision of a single dwelling which would add to the District's housing stock and provide for a replacement dwelling towards the Council's supply of deliverable housing land. Given that no affordable housing would be provided there is no additional benefit in terms of meeting affordable housing needs. The very limited size of the scheme means that the overall benefit in terms of housing supply is equally very limited, however this benefit should be given due weight in the consideration of the tilted balance. The scheme would also result in an additional household in the locality which would provide some benefit in terms of the viability of local services and facilities, however the dwelling is not located close to any such facilities or accessible to them except by private car. Furthermore, the limited scale of the development consequently limits the benefit derived from it in terms of the viability of local services and facilities.
- 7.9.7 The economic benefits of the scheme would include the construction of a dwelling which would bring about temporary economic benefits, including the employment gains extending from the construction of the site. As these would be temporary in nature, the economic benefits of the scheme from construction are afforded relatively limited weight. There would also be a potential beneficial impact on the local economy in terms of the use of local services and facilities, however due to the very small scheme size and its distance from such services and facilities, the benefit

is likely to be relatively limited. The increase in population may also contribute to a limited benefit to the local labour market.

- 7.9.8 There is potential for a limited environmental benefit in the form of some limited ecological enhancement on site resulting from the development.
- 7.9.9 In weighing the benefits and adverse impacts on the tilted balance, as required under paragraph 11 of the NPPF, the benefits of the scheme are considered to be relatively limited, given the small scheme size and the fact that it is a replacement dwelling, although this limited benefit is given due weight due to the lack of a five year supply of deliverable housing sites. The adverse impact identified is the failure to comply with the requirements of policy HOU 8 and the harm caused to the visual amenity of the area. The identified harm would conflict with the environmental objective of sustainable development and is considered to be at a level that it significantly and demonstrably outweighs the limited benefits which would be derived from the provision of the dwelling. As a result, the consideration of the scheme on the tilted balance indicates that the proposed development should be refused.
- 8.0 Costs
- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural, i.e. relating to the way a matter has been dealt with; or substantive, i.e. relating to the previous planning history of the site and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

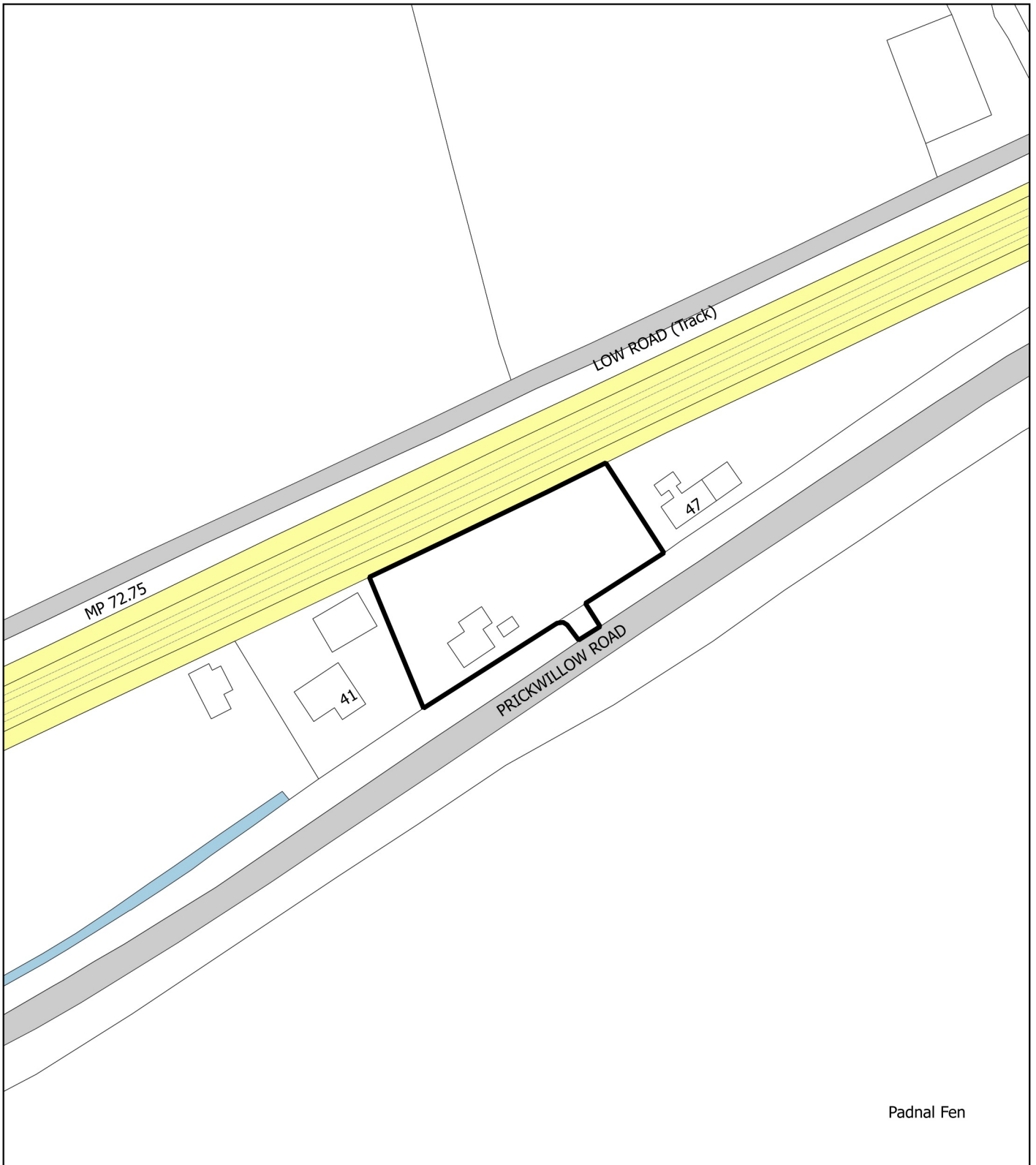
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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00940/FUL	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@eastca mbs.gov.uk

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>



19/00940/FUL

43 Prickwillow Road  
Queen Adelaide



East Cambridgeshire  
District Council

Date: 19/11/2019  
Scale: 1:1,200



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**MAIN CASE**

**Reference No:** 19/01115/OUT

**Proposal:** Construction of 2no. detached single storey dwellings and associated works

**Site Address:** Site North Of 55 Pound Lane Isleham Ely Cambridgeshire CB7 5SF

**Applicant:** Mr & Mrs Baxter

**Case Officer:** Catherine Looper, Senior Planning Officer

**Parish:** Isleham

**Ward:** Fordham And Isleham  
Ward Councillor/s: Julia Huffer  
Joshua Schumann

**Date Received:** 5 August 2019      **Expiry Date:** 6<sup>th</sup> December 2019  
[U137]

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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 - OUT/OUM
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Construction Times
- 5 Sample materials
- 6 Landscaping Scheme
- 7 Access- width
- 8 Gates - restriction
- 9 Parking & turning
- 10 Site Characterisation
- 11 Reporting of unexpected contamination
- 12 Foul and Surface water drainage
- 13 Permitted Dev - windows and openings
- 14 Permitted Dev - fences, gates and walls
- 15 No pruning, felling or removal of trees or hedges
- 16 Biodiversity Improvements

## 2.0 SUMMARY OF APPLICATION

2.1 The application seeks outline consent for the construction of two dwellings adjacent to the site of a recently permitted dwelling. The matters to be considered are access, appearance, layout and scale. The two dwellings would share a vehicular access. The application has been submitted following refusal of an earlier application for two dwellings on this site.

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

2.3 The application has been brought back to Committee as it has previously been determined at Committee.

## 3.0 PLANNING HISTORY

3.1

18/01572/OUT	Erection of 2No dwellings (Re-submission)	Refused	07.02.2019
18/00933/OUT	Erection of 3 No dwellings	Refused	04.10.2018

## 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located toward the north of Isleham and is in close proximity to the development envelope. The site is currently vacant and enclosed by a well-established hedge. Isleham holds a mixture of dwelling types and designs near this location, which are generally set back a short distance from the public highway.

## 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 - 3 September 2019**

Previous appeal decisions & planning enquiry reports

Although the number of dwellings has been reduced from 18/00933 this new application does NOT address the Reasons for refusal identified in the decision dated 4th October 2018, specifically

- the visual intrusion of built form into the open countryside
- detrimental impacts to ... sustainability

**Ward Councillors** - No Comments Received

**Local Highways Authority** - No objections raised.

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

**ECDC Trees Team** - The use of Laurel hedging for the boundary treatment of this site is not in keeping with the sites rural nature. I accept that this hedging is already established but its use draws attention to the site rather than aid the assimilation of the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. Further development of this site will not assimilate into the landscape.

**Environmental Health** - 12 August 2019

Recommend standard investigation and unexpected contamination conditions are appended to any grant of permission.

Recommend 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

Recommend condition requiring a method statement for any ground piling.

**Waste Strategy (ECDC)** - 28 August 2019

No objections raised

5.2 Neighbours – 1 neighbouring property was notified. No responses from the public have been received.

5.3 A full copy of all responses are available on the Council's website.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

## 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

## 6.3 National Planning Policy Framework 2019

2 Achieving sustainable development

12 Achieving well-designed places

15 Conserving and enhancing the natural environment

9 Promoting sustainable transport

## 7.0 PLANNING COMMENTS

### 7.1 **Principle of Development**

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

7.3 In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted. Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances.

7.4 As the site is located in close proximity to the settlement boundary and the services and facilities on offer in Isleham, the principle of development is considered acceptable subject to compliance with other local and material planning policies and all other material planning considerations that form part of the planning balance for this application. The proposal considered by this application would make a small but positive contribution to the local housing supply in the form of two dwellings. The proposal would also be beneficial to the economy in the short term due to the construction stage.

## **7.5 Residential Amenity**

- 7.6 Policy ENV2 of the East Cambridgeshire Local Plan 2015 require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.7 Both proposed plots would be single storey in scale and the indicative layout suggests that these can be positioned to ensure that issues such as overlooking, overbearing and overshadowing are minimised.
- 7.8 It is considered that the location and scale of the proposed dwellings would not create any significantly detrimental effects on the residential amenity of nearby occupiers given the separation distances and single storey scale of the proposals. The proposal therefore complies with Policy ENV2 of the Local Plan 2015.

## **7.9 Visual Amenity**

- 7.10 The layout of the proposed scheme shows that acceptable plot sizes, rear amenity spaces, building sizes and separation distances can be achieved, and the proposal therefore complies with the requirements of the Design Guide SPD.
- 7.11 The elevation drawings show that the main windows to habitable rooms will face away from the road, limiting the level of glazing present on the east elevations. From the public highway the buildings will look moderately agricultural due to the external materials and detailing.
- 7.12 In terms of visual amenity, policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The proposal will create a change to the existing appearance of the settlement edge. However, given the more rural design of the proposed dwellings and the substantial boundary hedging around the site, the impact of built form in this site would be reduced.
- 7.13 The maximum height of the dwellings is 6.1m. This scale is similar to other nearby dwellings and is considered appropriate for the edge of settlement location. The single storey scale of the dwellings is considered appropriate to define the stopping point of built form and provides a step-down from other two-storey development near the settlement edge.
- 7.14 The previous permission on the adjacent site (17/00436/FUL) removed permitted development rights in relation to any alterations or extensions, outbuildings, additional openings and fences, gates or walls, to restrict any future alterations which may be made under permitted development that might impact on the character and appearance of the settlement edge. It is considered necessary to add these restrictions as conditions to any grant of planning permission to ensure that this development does not create harm to the character of the area.
- 7.15 Details of materials and landscaping would be considered at a reserved matters stage, and can be secured by condition. The existing hedge surrounding the site is considered to be beneficial to the appearance of the site within the street scene

and provides a softer boundary to the site. It is important that this hedge is retained within any scheme for landscaping.

## **7.16 Highways**

7.17 The applicant proposes to create a new driveway access off the public highway, which would be 5m in width for the first 10m. The Local Highways Authority has been consulted and has stated that they raise no objections in principle to the application. Conditions are recommended to ensure that the proposal does not create impacts on highway safety. The proposal provides sufficient parking spaces for the proposed dwellings and therefore complies with policy COM8 of the Local Plan 2015.

## **7.18 Ecology**

7.19 Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. In accordance with the relevant policies within the local plan and the NPPF, it is recommended that a condition requiring a scheme of biodiversity improvements is placed on any grant of permission. The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. As this development is proposed on previously un-developed land, there is potential for disturbance, which could be overcome by the introduction of biodiversity improvements.

## **7.20 Flood Risk and Drainage**

7.21 A scheme for the disposal of foul and surface water drainage can be secured by condition to ensure that a suitable scheme is proposed which prevents the increased risk of flooding and improves and protects water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

7.22 Planning Balance

7.23 On balance, the proposal complies with planning policy and would result in the provision of three additional dwellings to the local housing supply. The application is therefore recommended for approval.

## **8.0 APPENDICES**

8.1 Recommended Conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/01115/OUT	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555
18/01572/OUT	Ely	catherine.looper@e

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- Recommended Conditions**

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

<u>Plan Reference</u>	<u>Version No</u>	<u>Date Received</u>
P-6150-03		5th August 2019
P-6150-02		5th August 2019
P-6150-01		7th October 2019

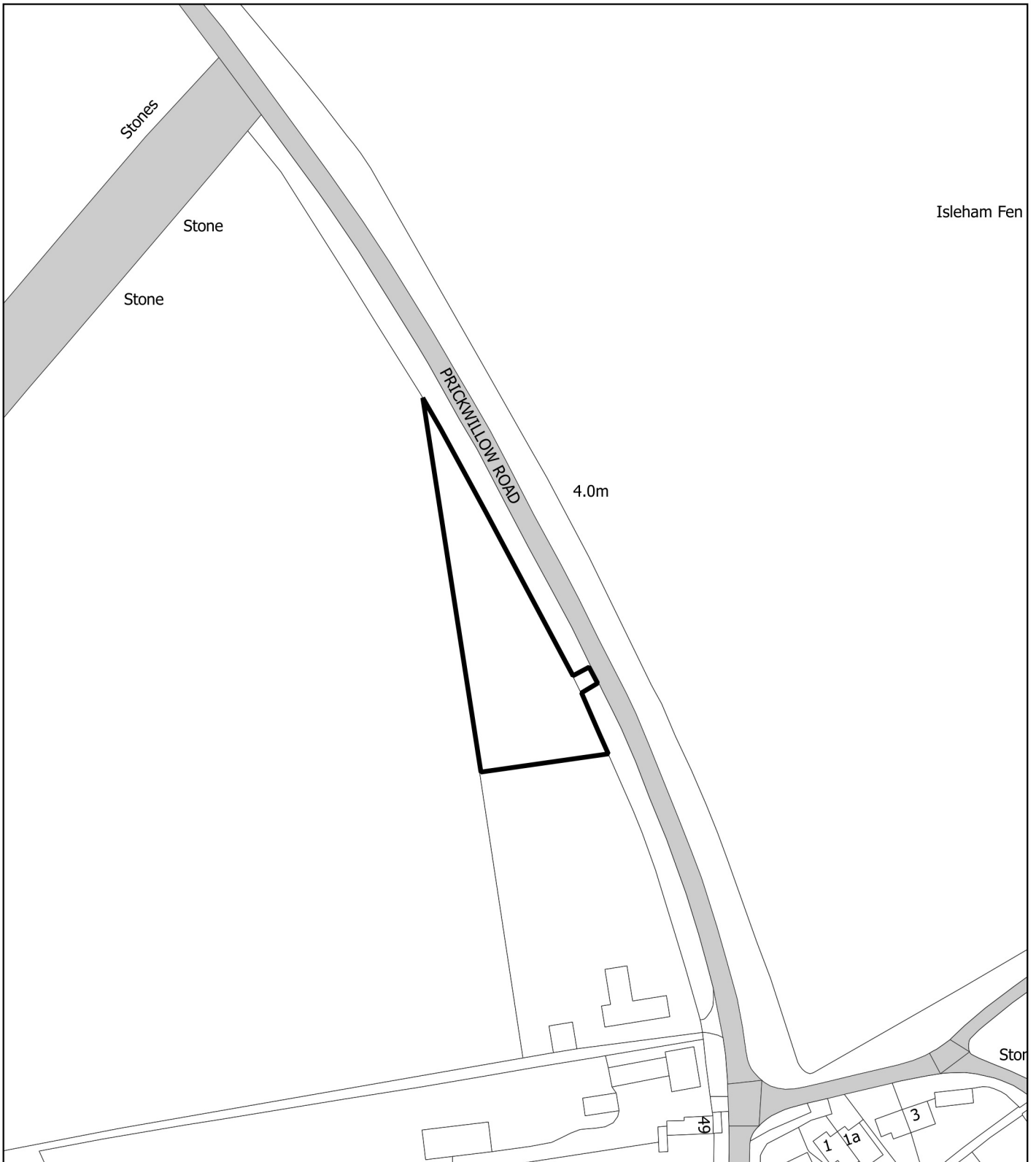
- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping and layout (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 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, Public Holidays or Bank Holidays.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to first occupation or commencement of use a full schedule of all soft and hard landscaping 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, as well as details of hard surfacing materials and boundary treatments. 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.
- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



- 7 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. No unbound material shall be used to form the driveway surface within 5m of the highway.
- 7 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 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 the approved plans.
- 8 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 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.
- 9 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 10 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

- 11 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. 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 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 first occupation.
- 12 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.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the north, east and south elevation(s), without the prior written consent of the Local Planning Authority.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse, without the prior written consent of the Local Planning Authority.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 Except as detailed on the approved plans and only for making provision for the approved access, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority
- 15 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 17 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.

- 17 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.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling, without the prior written consent of the Local Planning Authority.
- 18 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



19/01115/OUT

Site North of  
55 Pound Lane  
Isleham



East Cambridgeshire  
District Council

Date: 19/11/2019  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 19/01395/FUL

**Proposal:** Change of use of annexe to residential dwelling including revision to garden and parking arrangements

**Site Address:** 3 Hall Lane Burwell Cambridge CB25 0HE

**Applicant:** Mr Colin Barnes

**Case Officer:** Rachael Forbes, Planning Officer

**Parish:** Burwell

**Ward:** Burwell  
Ward Councillor/s: David Brown  
Lavinia Edwards

**Date Received:** 30 September 2019      **Expiry Date:** 13<sup>th</sup> December 2019

[U138]

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**1.0      RECOMMENDATION**

1.1      Members are recommended to REFUSE planning permission for the following reasons:

- 1) Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals should ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area. The proposal fails to provide a complementary relationship with its surroundings in its proposed use as an independent dwelling; the building, by virtue of its design and location is read as an outbuilding and does not reflect the design and form of the dwellings in the street scene. It is not in keeping with the character and appearance of the area due to its location on a byway where the overriding character of the area is domestic outbuildings, rear gardens, boundary treatments and vegetation. The proposed development therefore fails to comply with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

- 2) Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity. The plot size is significantly smaller than that set out in the Design Guide SPD, resulting in a failure to provide a high quality and useable garden space and therefore a poor level of amenity as required by policy ENV 2 of the Local Plan and Design Guide SPD. Furthermore, the first floor bedroom is served by a single rooflight and therefore offers a poor outlook from a habitable room which would significantly impact on the amenity of future occupiers. The proposal therefore fails to provide a high standard of residential amenity and is contrary to policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks a change of use of the existing annexe to an independent residential dwelling. A single storey annexe was granted permission under application 14/00628/FUL and permission for a two storey annexe was granted under application 16/01407/FUL.
- 2.2 The application has been called into Planning Committee by Cllr Brown as he believes there are matters of principle associated with this application that deserve to be considered by the Committee.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## **3.0 PLANNING HISTORY**

- 3.1
- |              |   |           |            |
|--------------|---|-----------|------------|
| 14/00628/FUL | Proposed single storey annex outbuilding providing habitable accommodation  | Approved  | 28.08.2014 |
| 16/01407/FUL | Proposed Change from a single storey annex to a two storey annex to provide habital accommodation for a full time care worker   | Approved  | 01.12.2016 |
| 19/00660/VAR | To Remove Condition 4 (Occupancy Restriction) of previously approved 16/01407/FUL for Proposed Change from a single storey annex to a two storey annex to provide habitable accommodation for a full time care worker | Withdrawn | 27.06.2019 |

#### **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 3 Hall Lane is a single storey detached dwelling situated in the development envelope of Burwell and outside of the Conservation Area. The annexe is situated at the bottom of the rear garden and has its own access from Dark Lane, along a Public Right of Way. To the south of the site is the Conservation Area boundary and the garden of a Listed Building, Ramsey Manor (Grade II, LEN 1126398).
- 4.2 Dark Lane is an unadopted public byway which is characterised by the rear of residential dwellings and the associated outbuildings, boundary treatments and vegetation. There are single garages and another annexe building, which is a garage with annexe above.
- 4.3 The annexe is two storey and is constructed in a multi buff brick plinth and weather boarding, red pantiles and double glazed aluminium units. The annexe has a small enclosed area with a fence to the rear and a picket fence and five bar gate to the front. There is also a shed within the enclosed area of the proposed site.

#### **5.0 RESPONSES FROM CONSULTEES**

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

**ECDC Trees Team - No Comments Received**

**Waste Strategy (ECDC) – 30<sup>th</sup> October 2019**

East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary (Spring Close) on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

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

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

**Local Highways Authority - 29 October 2019**

Whilst I may have reservations regarding the suitability of Dark Lane as a residential access, it appears to have established use by this and other adjacent properties.

The approval granted under reference 14/00628/FUL appears to recognize independent access and parking for the two buildings and no significant increase in use is likely to result from this proposal.

I note that two parking spaces are proposed; while the turning length is not ideal the additional width available should make this workable.

Visibility accessing Dark Lane is not ideal, although this application does not change the existing situation.

On this basis, I have no objections.

I note that the County Councils Asset Information Definitive Map Team have also been consulted.

**Asset Information Definitive Map Team – 31<sup>st</sup> October 2019**

Thank you for consulting us on the planning application above. Please note Public Byway No. 31 Burwell forms the vehicle access to the development.

Whilst the Definitive Map team do not have any objection to the development proposal, the applicant should be aware of the presence of the public byway, its legal alignment and width.

The County Council has guidance for Planners & Developers with regarding the boundary treatments and planting adjacent to a public right of a way.

The byway must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it.

**Cambridge Ramblers Association - No Comments Received**

**Parish Council - 30 October 2019**

Burwell Parish Council has objections to this planning application

Burwell Parish Council is supportive of the neighbours comments  
Burwell Parish Council stands by its previous comments made on this application  
Burwell Parish Council objects as this planning application is setting a precedence for future development on to a Byway.

**Ward Councillors - No Comments Received**



5.2 **Neighbours** – six neighbouring properties were notified and three responses were received, which are summarised below. A full copy of the responses are available on the Council's website:

- Granting permission would set a precedent for similar applications.
- Dark Lane is an unadopted bridleway that sees frequent pedestrian use and provides limited vehicular access for Hall Lane residents – it is an unmade access and access is difficult when it is wet, any increase in traffic would inevitably make the situation worse.
- Dark Lane is not a through road and would be completely unsuitable as a main access to a property.
- Concerns around emergency vehicle access
- Loss of rural nature of the village which has lost too many countryside features.
- Out of character with Dark Lane, which is a typical unmade village lane bordering a listed property and Conservation Area with many mature trees.

A site notice was displayed near the site on 18<sup>th</sup> October 2019 and a press advert was published in the Cambridge Evening News on 7<sup>th</sup> October 2019.

## 6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2019

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

6.4 Planning Practice Guidance

## **7.0 PLANNING COMMENTS**

7.1 The main consideration of the application is whether the proposal could be an independent dwelling. Therefore, all matters that would be taken into consideration when assessing a proposal for a dwelling will be considered including the principle of development, visual amenity, residential amenity, highway safety and parking and all other relevant planning matters.

### **7.2 Principle of Development**

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport but more limited development will take place in villages which have a defined development envelope. Within the defined development envelopes housing, employment and other development to meet local needs will normally be permitted – provided that there is no significant adverse impact on the character and appearance of the area and that all other material planning considerations are satisfied.

7.4 The annexe is located in the development envelope of Burwell and the principle of development for an annexe was considered acceptable under the original application, 14/00628/FUL and the subsequent application 16/01407/FUL. An independent dwelling would also be acceptable in principle given the location within the development envelope, subject to satisfying all other relevant material planning considerations, which are explained in more detail below.

### **8.0 Visual Amenity**

8.1 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals should ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

8.2 The officer report for application 14/00628/FUL states ‘the annexe/outbuilding will replace an existing detached garage which, due to its age and construction, is not of any architectural interest or merit. The annexe/outbuilding has been designed in such a way that it can be converted into a garage in the future’. The report goes on to say that ‘the scale of the proposed annexe/outbuilding is considered to be acceptable especially given that it will be only be visible from the public right of way to the rear of the site and the development will not have an adverse impact on the character and appearance of the area’.

8.3 The officer report for 16/01407/FUL states that the application was submitted because the annexe had not been built in accordance with the approved plans; the

officer considered that the changes to the annexe would not result in a detrimental impact to the character of the area.

- 8.4 The annexe is accessed from Dark Lane. Dark Lane is a public byway for all traffic from Spring Close to High Street, although vehicular traffic cannot access High Street from Dark Lane as there are bollards in place to prevent this. The dwellings situated on Hall Lane and The Paddocks back onto Dark Lane. Dark Lane is characterised by vegetation/trees and boundary treatments such as close board fencing. There are single garages present at other properties that are accessed from Dark Lane and a 1.5 storey detached garage and annexe at number 7 Hall Lane, approved under application reference 16/00664/FUL, which is 5.7 metres in height, 7.3 metres wide and 7.9 metres deep.
- 8.5 While the building is already present and there are no changes proposed to the building itself, it is considered that its use as an independent dwelling would not be in keeping with the character and appearance of the area. The character of Dark Lane is a narrow public byway which very clearly consists of the rear of residential dwellings and their associated outbuildings/boundary treatments. It is noted that 39/39a High Street have access onto Dark Lane; the front door is on Dark Lane and the vehicular access is also on Dark Lane but accessed from High Street. It is considered that they would be read as part of High Street as they have dormer windows on the elevation fronting High Street, which is similar to adjacent properties. It is considered that the use of the annexe as an independent dwelling would result in the introduction of a type of backland development which is not characteristic of Hall Lane. It is also considered that while the design of the proposal is appropriate for an outbuilding/annexe with the potential to return to a garage, it is not considered to reflect the form of any of the adjacent dwellings in character and appearance and does not provide a complimentary relationship with its surroundings and therefore fails to comply with policy ENV 2 of the Local Plan.
- 8.6 It is therefore considered that as an independent dwelling the proposal would not provide a complimentary relationship with existing development and that its location would not be considered appropriate for an independent dwelling. The proposal is therefore considered to be contrary to policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan, 2015.

## **9.0 Residential Amenity**

- 9.1 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 9.2 3 Hall Lane has three adjacent neighbours, 1 Hall Lane to the east, 5 Hall Lane to the west and 37 High Street to the south.
- 9.3 The officer report for application 16/01407/FUL considered that the annexe as built would not result in harm to residential amenity and complied with policy ENV 2 of the East Cambridgeshire Local Plan, 2015. As there are no physical changes to the building, it is considered that there would be no harm to the residential amenity of neighbouring dwellings in respect of overlooking, overbearing and overshadowing.

- 9.4 However, policy ENV 2 also states that new development will be expected to ensure that occupiers of new buildings, especially dwellings, enjoy high standards of amenity. The Design Guide SPD states that building plots should be 300sqm with the footprint of any proposed development being no more than one third of the plot size. The plot size is under the 300sqm set out at approximately 220sqm, however the built form takes up less than a third of the plot. The Design Guide also states that 50sqm of garden area should be provided. The agent has confirmed that the amenity space would equate to 57sqm, however, it is considered that this space would result in a poor level of functional, useable space given the layout of the plot.
- 9.5 Furthermore, the first floor bedroom would be served solely by one rooflight. It is considered that this results in a poor outlook from the room and would not be acceptable as the sole window for this room for future occupiers of the proposed dwelling.
- 9.6 Although, the proposal is not considered to result in a significant impact to the residential amenity of neighbouring dwellings, it is considered that it provides a poor standard of amenity to future occupiers by virtue of a small plot and garden space and a lack of outlook from the first floor bedroom. The proposal is therefore contrary to policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

## **10.0 Highway Safety and Parking**

- 10.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. There has been concern raised around the suitability of Dark Lane as an access and that it becomes churned up when wet and would make access difficult. Dark Lane is an unadopted path and bridleway, which provides access to the rear of the properties at Hall Lane. The Local Highway Authority have been consulted as part of the application and have commented that while they do have reservations regarding the suitability of Dark Lane as a residential access, it appears to have established use by this and other properties. They have gone on to comment that 'The approval granted under reference 14/00628/FUL appears to recognise independent access and parking for the two buildings and no significant increase in use is likely to result from this proposal. I note that two parking spaces are proposed; while the turning length is not ideal the additional width available should make this workable. Visibility accessing Dark Lane is not ideal, although this application does not changing the existing situation. On this basis, I have no objections'. The proposal is therefore considered to comply with policy COM 7.
- 10.2 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. Two parking spaces have been provided on site and therefore the proposal is considered to comply with policy COM 8 of the East Cambridgeshire Local Plan, 2015.

## **11.0 Public Right of Way**

- 11.1 A Public Right of Way (Public Byway, number 31 Burwell) runs along Dark Lane and forms the vehicle access to the development. The County Council Definitive

Map Team have no objections to the proposal, they have commented that the applicant should be aware of the presence of the public byway, its legal alignment and width and have asked for a number of informatives to be added to the decision notice if permission were to be granted.

11.2 The proposal is therefore considered to comply with policy COM 7 of the East Cambridgeshire Local Plan, 2015.

## **12.0 Ecology**

12.1 Policy ENV7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.

12.2 It is considered that given the existing building will be remaining and will not be changed in any way that the proposal is highly unlikely to adversely affect protected or priority species or designated sites. However, it is considered that biodiversity enhancements could be sought and these could be secured by condition, if planning permission was granted.

12.3 The proposal is therefore considered to comply with policy ENV 7 of the East Cambridgeshire Local Plan, 2015.

## **13.0 Flood Risk and Drainage**

13.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The policy states that development would not be permitted where:

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

13.2 The site is entirely located within flood zone 1 and is therefore considered at the lowest risk of flooding and a location where residential development is acceptable in terms of flood risk. The application form states that surface water will be disposed of via soakaways and foul water by mains sewer. It is considered that this is likely to

be the existing situation and therefore no condition in relation to foul and surface water would be required.

- 13.3 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.

#### **14.0 Planning Balance**

- 14.1 While there are no changes proposed to the existing building, it is considered that the use of the annexe as an independent dwelling would not be in keeping with the character and appearance of the area due to its location on a byway on which the overriding character is the rear gardens and outbuildings of the dwellings at Hall Lane and The Paddocks, along with the associated boundary treatments and vegetation.
- 14.2 The annexe was not intended to be a separate dwelling and was approved on the basis that it complied with policies as an annexe, in connection with the host dwelling.
- 14.3 The proposed development would not reflect the dwellings in the street scene due to its design and location and it is read as an outbuilding, subservient to the main dwelling.
- 14.4 The proposal fails to offer a high standard of amenity for future occupiers by virtue of a small plot size and an inadequate and poor quality amenity space and a lack of natural outlook from the first floor bedroom.
- 14.5 The proposal is therefore considered to be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 and is therefore recommended for refusal.

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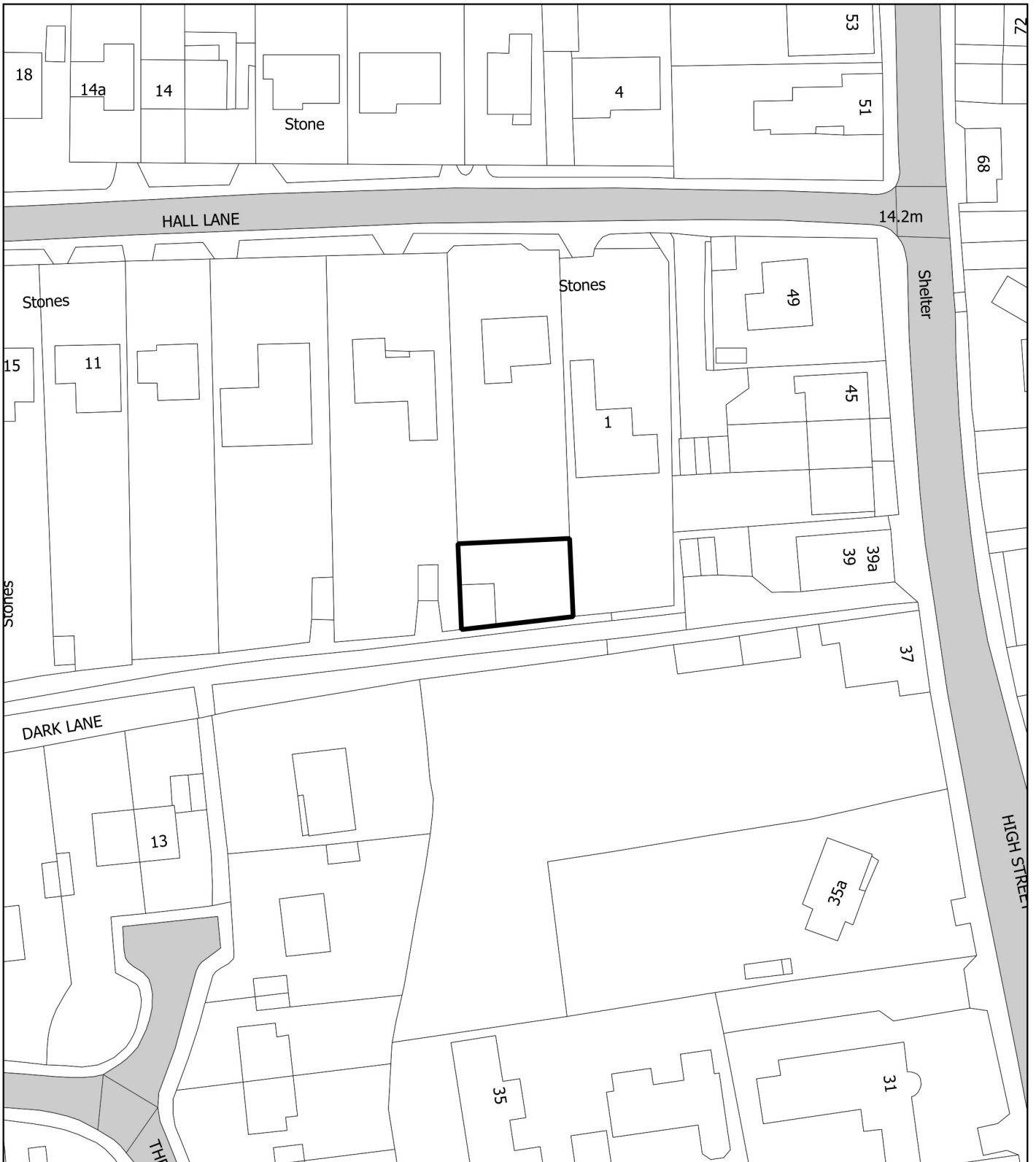
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/01395/FUL	Rachael Forbes Room No. 011 The Grange	Rachael Forbes Planning Officer 01353 665555
14/00628/FUL 16/01407/FUL 19/00660/VAR	Ely	rachael.forbes@eas tcambs.gov.uk

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>



19/01395/FUL

3 Hall Lane  
Burwell



East Cambridgeshire  
District Council

Date: 19/11/2019  
Scale: 1:800



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## **Planning Performance – October 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>190</b>	<b>7</b>	<b>48</b>	<b>36</b>	<b>15</b>	<b>31</b>	<b>49</b>
<b>Determinations</b>	<b>170</b>	<b>4</b>	<b>38</b>	<b>30</b>	<b>17</b>	<b>30</b>	<b>49</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>97%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>69%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>		<b>4</b>	<b>29</b>	<b>29</b>	<b>16</b>	<b>29</b>	<b>49</b>
<b>Refused</b>		<b>0</b>	<b>9</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>

<b>Open Cases by Team (as at 18/11/2019)</b>							
<b>Team 1 (3.5 FTE)</b>	<b>157</b>	<b>17</b>	<b>54</b>	<b>17</b>	<b>28</b>	<b>41</b>	<b>0</b>
<b>Team 2 (3 FTE)</b>	<b>121</b>	<b>12</b>	<b>38</b>	<b>13</b>	<b>17</b>	<b>41</b>	<b>0</b>
<b>Team 3 (3 FTE)</b>	<b>93</b>	<b>5</b>	<b>14</b>	<b>25</b>	<b>21</b>	<b>28</b>	<b>0</b>
<b>No Team (4 FTE)</b>	<b>129</b>	<b>13</b>	<b>32</b>	<b>7</b>	<b>20</b>	<b>10</b>	<b>47</b>

### **No Team includes – Trees Officer, Conservation Officer and Agency Workers (x2)**

The Planning department received a total of 226 applications during October which is a 3% decrease on October 2018 (233) and 11% increase from September 2019 (203).

### **Valid Appeals received – 5**

51 Cannon Street Little Downham – Committee Decision  
Land South Of Units 4 And 5 94A Hillrow Haddenham – Delegated Decision  
103 Columbine Road Ely – Delegated Decision  
63 Aldreth Road Haddenham – Delegated Decision  
Land South Of 76 Low Road Burwell – Delegated Decision

### **Appeals decided – 1**

Site North West Of 9 Burwell Road Reach – Dismissed – Delegated Decision

### **Enforcement**

New Complaints registered – 24 (0 Proactive)  
Cases closed – 38 (8 Proactive)  
Open cases/officer (2.5FTE) –  $240/2.5 = 96$  per FTE (28 Proactive)

### **Notices served – 1**

Enforcement Notice - 5 Coronation Parade, High Street, Ely – Effective from 07/11/2019



**Other information**

17/02217/OUM & 18/01611/OUM for Site south of 85 to 97 Main Street Witchford appeal  
Hearing has been arranged for 15<sup>th</sup> January 2020, starting at 10am and will be held in the  
Council Chamber at the Council Offices. Letters will be sent to all relevant parties nearer the  
time.