



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

**MEETING: PLANNING COMMITTEE**

**TIME: 2:30pm**

**DATE: Wednesday 3<sup>rd</sup> March 2021**

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

**ENQUIRIES REGARDING THIS AGENDA: Caroline Evans**

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

## **Membership:**

### **Conservative Members**

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

### **Liberal Democrat Members**

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

### **Independent Member**

Cllr Sue Austen (Lead Member)

### **Substitutes:**

Cllr David Ambrose Smith  
Cllr Lis Every  
Cllr Julia Huffer

### **Substitutes:**

Cllr Charlotte Cane  
Cllr Simon Harries  
Cllr Christine Whelan

### **Substitute:**

Cllr Paola Trimarco

## **Lead Officer:**

Rebecca Saunt, Planning Manager

**Quorum: 5 Members**

# **A G E N D A**

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

**3. Minutes**

To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 3<sup>rd</sup> February 2021.

**4. Chairman's Announcements**

**[oral]**

**5. 19/00717/OUM**

Proposed erection of up to 175 dwellings and associated infrastructure with access from Broad Piece

Broad Piece, Soham, Cambridgeshire

Applicant: Persimmon Homes East Midlands

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PRNLLBGGFO000>

**6. 19/01342/VAR**

To Vary Condition 8 (The development hereby permitted consists of solely self-build dwellings as defined in the Custom Housebuilding Act 2015) of previously approved 18/00840/OUT for All matters reserved except access for the redevelopment of the farmyard, buildings and associated land for up to 6 self build plots.

College Farm, Main Street, Wentworth, CB6 3QG

Applicant: Agreserves Limited

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PXXM3RGGJXF00>

**7. 20/00296/OUM**

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

Land Rear Of 163 To 187 High Street, Bottisham

Applicant: Bottisham Farming Ltd

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6BDJQGG0D800>

**8. 20/00630/FUM**

Erection of 55 dwellings, new access, estate roads, driveways, parking areas, open space, external lighting, substation and associated infrastructure

Site South And West Of The Bungalow, Brick Lane, Mepal, Cambridgeshire

Applicant: The Havebury Housing Partnership

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QAL35AGGL0600>

## 9. 20/01373/FUL

Change of use from detached Annexe to class 3 Dwelling, with minor alterations, new boundary wall, landscaping and associated access and hardstanding works

Perrymans, 22 Ley Road, Stetchworth, Newmarket, Suffolk

Applicant: Ms Linda Braybrooke

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QKPT3EGG0CS00>

## 10. Planning Performance Report – January 2021

### NOTES:

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

The Council has a scheme to allow public speaking at Planning Committee using the Zoom video conferencing system. If you wish to speak at the Planning Committee, please contact Caroline Evans, Democratic Services Officer for the Planning Committee

[caroline.evans@eastcambs.gov.uk](mailto:caroline.evans@eastcambs.gov.uk) to register your wish to speak by 10am on Tuesday 2<sup>nd</sup> March. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to access remotely, or do not wish to speak via a remote link. Please note that public speaking is limited to 5 minutes in total for each of the following groups:

Objectors  
Applicant/agent or supporters  
Local Parish/Town Council  
National/Statutory Bodies

2. A livestream of the meeting will be available for public viewing on YouTube via <https://www.eastcambs.gov.uk/meetings/planning-committee-03032021>
3. Reports are attached for each agenda item unless marked "oral".
4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: [translate@eastcambs.gov.uk](mailto:translate@eastcambs.gov.uk)
5. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

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



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

## AGENDA ITEM 3

Minutes of a remote meeting of the Planning Committee held at 1:00pm on Wednesday 3<sup>rd</sup> February 2021, facilitated by the Zoom video conferencing system.

### **PRESENT**

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

### **OFFICERS**

Rebecca Saunt – Planning Manager  
Maggie Camp – Legal Services Manager  
Emma Barral – Planning Officer  
Kevin Drane – Trees Officer  
Caroline Evans – Democratic Services Officer  
Barbara Greengrass – Planning Team Leader  
Molly Hood – Planning Officer  
Toni Hylton – Senior Planning Officer  
Andrew Phillips – Planning Team Leader  
Adrian Scaites-Stokes – Democratic Services Officer  
Angela Tyrrell – Senior Legal Assistant  
Russell Wignall – Legal Assistant

### **IN ATTENDANCE**

Andrew Burke – Applicant (Agenda Items 6 & 7)  
Ryan Carter – On behalf of Objector (Agenda Item 5)  
Poppy Church – Applicant (Agenda Item 9)  
Ali Daslar – Agent (Agenda Item 8)  
Anthea Dodson – Parish Council Rep. (Agenda Item 9)  
Owen Garrett – Objector (Agenda Item 9)  
Vladimír Matěják – Objector (Agenda Item 8)  
Sophie Pain – Agent (Agenda Item 9)  
Edward Rice – Applicant (Agenda Item 8)  
Andy Thomas – County Archaeology (Agenda Items 6 & 7)  
Tom Woolhouse – Applicant's Archaeological Adviser (Agenda Items 6 & 7)

## 63. **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence had been submitted by Councillor Josh Schumann. Councillor Lis Every was substituting on his behalf.

Councillor Matt Downey was not present.

**64. DECLARATIONS OF INTEREST**

Cllr Trapp declared a prejudicial interest on Agenda Items 6 and 7 (20/00932/FUL and 20/00935/FUL both relating to The Abbey, Abbey Lane, Swaffham Bulbeck, Cambridge, CB25 0NQ) as he was friends with the applicants. He informed the Committee that he would speak as Ward Councillor for each application and then absent himself for the debate and voting.

No other declarations of interest were received.

**65. MINUTES**

The Committee received the Minutes of the meeting held on 2<sup>nd</sup> December 2020.

It was resolved:

That the Minutes of the Planning Committee meeting held on 2<sup>nd</sup> December 2020 be confirmed as a correct record and be signed by the Chairman.

**66. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- The Government had announced the results of the Housing Delivery Test, an annual measurement of housing delivery, and East Cambridgeshire District Council had passed the test achieving 87% when the threshold was set at 75%. Together with the latest 5 year land supply position published in December 2020 he reported that the Authority was in a strong position to resist speculative development.
- Following the challenge made by East Cambridgeshire District Council and the subsequent quashing of the Planning Inspector's decision for two appeals at land south of Main Street in Witchford, a two day appeal hearing had been scheduled for the 9th and 10th March. This would run as a digital event due to the current pandemic. Officers were requested to keep Witchford Parish Council updated.
- Members were reminded that March's Planning Committee meeting would be starting at the slightly later time of 2:30pm.
- Members were reminded to consider carefully why they were calling an application in to Planning Committee and ensure the reasons were clear and justified.
- The Authority was flying the Union Flag over The Grange at half-mast in memory and appreciation of Captain Sir Tom Moore.
- A request had been received to discuss Agenda Items 6 and 7 as a single item since both related to the same property. Following consultation with Officers prior to the meeting he confirmed that they would be considered separately since, although many facts would be the same for both, it would be possible for different decisions to be reached on them.

*Councillor Matt Downey joined the meeting during this item.*

**67. TPO/E/01/20 - 10 ABBEY CLOSE, BURWELL**

Kevin Drane, Trees Officer, presented a report (ref V124, previously circulated) which sought confirmation of a Tree Preservation Order (TPO) for one tree in the rear garden of 10 Abbey Close, Burwell.

He highlighted that the key points for consideration were:

- The opinion of the local residents who wanted the TPO confirmed
- The objections to the TPO from the neighbour
- The amenity value of the tree and its visual impact in the local landscape.

He showed Members various photographs of the site including the tree itself, its proximity to the surrounding properties, and the footpath and uneven paving slabs in the communal area outside the garden. He showed the tree height to be approximately 60ft/18m and commented that it had a wide-spreading crown with very little deadwood in it. He drew Members' attention to the "mounding" rather than a "lip" on the raised footpath, which he felt could be straightforward for the duty holder (Cambridgeshire County Council) to fix and commented that it was not possible to definitively state the cause of the uneven paving slabs without lifting them but suggested that it could be due to the tree's roots or the age of the development or a combination of the two.

In support of the TPO he stated that the tree was visible to neighbouring residents and made a visual impact and contribution to the local landscape as well as providing a wildlife habitat. The tree was assessed on its amenity value as that was the only requirement needed when evaluating trees for new Preservation Orders. He explained that the owner had requested the TPO in order to protect the tree due to pressures for pruning which she felt were unsuitable.

He informed Members that objections had been received from a neighbour who felt the TPO would be used to avoid the owner's duty of care, didn't agree with the Officer's opinion of the tree's amenity value, was concerned that if the tree fell it would cause damage to people or property, was concerned that the tree roots were damaging the footpath and the tree could be causing other unseen damage, and felt that a TPO would unnecessarily restrict any new owners of the property.

He reiterated that the tree had been assessed relating to its current condition, with no issues noted relating to the foreseeable failure of the tree. He clarified that if the TPO was granted it would not necessarily prevent pruning but the owners would need to apply to the Authority for permission to work on the tree and would need to agree tree work specifications with them. The TPO would also mean that the tree could not be removed without consent. Any prospective purchasers of the property would be informed of the presence of the TPO prior to their purchase as part of a land search. He stated that there had been no reports of subsidence in the area and that the soil type within Burwell did not lend itself to subsidence. Neither had there been any reports of blocked drains.

He concluded by asking Members to consider the residents' opinions supporting the TPO and the neighbour's opinion opposing it, and then to decide whether to confirm the TPO in line with the tree owner and Officer supporting the amenity value of the tree.

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The Chairman thanked the Trees Officer for his comprehensive report and clear options.

At the invitation of the Chairman, Ryan Carter read aloud the following prepared statement on behalf of Di Kennedy as an objector to the application:

*“I wish to make the following statement in relation to the proposed TPO:*

*I am disappointed and dismayed that what was a conversation about pruning some overhanging branches has resulted in the matter being heard at a planning committee meeting.*

*I personally feel that the local council and its representative have been taken advantage of in pursuing a course of action which is simply not necessary.*

*The fact that there are 2 similar trees in close proximity to the tree in question without TPO’s would seem to support my assumption and prove that the council is not seeking to protect a rare specimen.*

*I do not want the tree cut down and I fear that the granting of a TPO will be relied upon so that the tree is not maintained and continues to present a health and safety risk to others. I fully understand that the TPO does not prevent pruning but neither does it compel any pruning. I fear that the tree will be left and present a real risk to others should a TPO be granted.*

*The amenity value of the tree is subjective but I feel it is overbearing on its surroundings and a TPO would place an unnecessary burden and restriction on the householder. The tree is not suitable for its residential surroundings and should not be afforded the protection of a TPO.*

*The scale of the tree is uncommon and the council representative has confirmed that the lifting of the adjacent tarmac and paving slabs, thus causing a dangerous situation could be attributed to the roots of the tree.*

*Should the tree be felled in its current state due to weather conditions, it would potentially cause considerable damage to surrounding properties and cause injury to persons.*

*Regardless of the council’s decision today, I am pleased that I have placed my concerns on record. should anyone be injured in the future by a tree that was afforded the protection of a TPO and had become dangerous.*

*As the owner has explained, if she feels the tree is under good management, I fail to see why a TPO would be required.*

*To reiterate, I do not want the tree cut down and clearly neither does the owner so I would argue that the granting of the TPO is completely unnecessary and sets a needless precedent for the council.”*

Cllr Jones asked whether, if the tree fell, it could hit a house and also whether it would grow any larger. Ryan Carter responded that it was huge and if it fell it would fall into Di Kennedy’s property. He couldn’t comment on its potential growth but reiterated the view that it was overbearing.

With the permission of the Chairman, the Democratic Services Officer read aloud a statement supplied by the applicant, Patricia Henry:

*“Dear Committee members,*

*I would like this statement to be read out to support my application for. TPO. I have applied for a TPO for the silver birch in my back garden at the above address.*

*It is well within my boundary but the branches overhang an area of communal space which belongs to Priory Close. I live in Abbey Close and contribute to the upkeep of the green area in front of my house along with my neighbours but am under no obligation to the upkeep of the communal area in Priory Close.*

*We moved into this house 22 years ago and one of the reasons we fell in love with the house was the lovely silver birch at the bottom of our garden. I love nature and wildlife and as a family we all love birds. Over the years that tree has been home and a perching space for blackbirds, blue tits, gold finch, sparrows and pigeons. They have nested in it and we have a resident squirrel who has a dray in it.*

*It was a place for us as a family to watch the seasons come and go and my 3 girls have always said how much they have loved that tree and sat under it or were playing around in its shade over the years when they were little. Sadly my marriage ended 12 years ago and overnight I became a single Mum raising my 3 girls on my own.*

*It was around this time that one neighbour who lives behind my house came around to my front door and said to me “I know you are a single parent now, but when you can manage to get a few pennies together I’d appreciate it if you could get something done about that tree at the back. It’s far too big and is bigger than my house” The silver birch is not near her house or garden but she seems to have a lot of anxiety about it. Her words made me worry a lot and I felt intimidated and under pressure to get a tree surgeon to have a look at it.*

*He checked the tree and said it is a fine healthy tree and he could see that it had a very good shape. This is because it had tree surgery and shaping done to it by the previous owner of our house. He went ahead and carried out sensitive tree surgery to it. He did not touch the crown. Another neighbour 2 doors down from me had tree surgery done on her silver birch by a disreputable tree surgeon who completely reduced the height of the tree by removing the crown and the tree rotted and died 2 years later and had to be cut down so I did not want my tree’s height to be reduced like that. I paid over £300 plus vat for the tree surgery to be done and sent the neighbour who complained a letter informing her of the health of the tree and the work that had been done.*

*She seems to see the communal space in Priory Close as her sole responsibility to keep neat and tidy, tidy and neat. Over the years I have witnessed her sweeping up the fallen twigs from my tree and throwing them over my fence into my back garden. I haven’t challenged her about it.*

*She came around again 2 years ago and asked me to get the low branches cut back as they were too low. I got help and had them all cut back. Last year, when we were repairing the wall at the back, she came over to myself and my partner (who moved in over a year ago) and was very aggressive to me about the twigs saying I could come out and sweep up all the twigs from my tree when I found the time. I work fulltime as a specialist nurse in Addenbrookes hospital and we were up to our eyes with looking after our patients during the first lockdown. I have very little spare time but twigs and leaves fall from trees all the time and I don’t see how it is my responsibility to be out there regularly sweeping them up. If it is a legal responsibility of mine and I am expected to I could understand but the communal space belongs to Priory Close and should be a joint responsibility for all the residents who live there to sweep up twigs, if that’s what she wants, and not mine.*



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*I was very upset by last year's incident and over the years I have felt "got at" and bullied by this neighbour. I was upset to think something myself and my family loved and got so much pleasure from was upsetting someone else so much. I don't like to not get on with people, especially neighbours. I had been worrying ever since she had "a go " at me last July that she would complain so much about it that I would have to have it cut down. So I looked into how I could protect the tree , for my own family and for future generations and I found out I could apply for a TPO. Trees are so important, especially in the world we live in now and they cannot protect themselves. So I applied for the TPO and that is what has brought us to the meeting today..... to decide its future. I have been heartened by the numbers of other neighbours who have come to me saying how much they like and enjoy the tree admiring it often as they walk past it. The tree adds to the area in my view and would leave such a gap is so many ways if it was to go....*

*Kind regards  
Patricia Henry"*

Before inviting questions for the Trees Officer from Members, the Chairman asked him for further information regarding the other two trees mentioned in the objection. The Officer replied that they were not in as good condition as the one under consideration and as such were not appropriate for a TPO.

Cllr Edwards commented that she had recently visited the site and felt the tree was a lovely specimen. She asked for his opinion on the health of the tree and whether it would cause damage if it fell in high winds. He responded that although it was always possible for a tree to fall in a severe gale there was nothing to suggest that the particular tree was at risk. Cllr Trapp commented that having measured a distance of 60ft/18m on the supplied map he believed that if it fell then it would miss the houses around it. The Officer agreed that was in line with his assessment. He acknowledged that the objector's house was the closest to the tree but said that in his view, at most, the very flexible upper branches would reach the property if it fell.

Cllr Jones asked if the tree would grow much taller, questioned who was legally responsible for leaves and twigs that naturally fall from trees and asked for more information about the process for requesting permission to prune a tree that was subject to a TPO. Kevin Drane responded that he would not anticipate a large increase in height but the crown would continue to spread, and confirmed that there was no requirement for a tree owner to clear up its fallen leaves and twigs. He explained that a tree work application took a maximum of 8 weeks but could be much quicker for more urgent work, and the same day for a dangerous tree. He also clarified that no permission would be needed for removal of dead wood and there was no charge for placing a tree work application.

The Chairman asked for clarification as to whether, if the TPO was granted, any member of the public could report to the Trees Officer what they perceived to be deterioration of the tree and if so could the Officer then require work to be completed on it if he/she deemed it necessary. Kevin Drane agreed that although the owner would retain responsibility for completing the work the Trees Officer could instruct them that work must be done.

The Chairman then opened the debate on the confirmation of the TPO.

Cllrs Edwards, Ambrose Smith and Wilson spoke in favour of the Officer's recommendation to confirm the TPO. Cllrs Brown and Jones both felt there was a balance to be drawn and were concerned that the bureaucracy of a TPO was not necessary given the tree was not at risk.

Cllr Edwards proposed the motion for agreeing the Officer recommendation, Cllr Ambrose Smith seconded it and on being put to the vote it was duly carried with 8 votes for, 2 against, and 1 vote unable to be counted due to internet connection issues.

It was resolved:

That Tree Preservation Order E/01/20 be CONFIRMED.

**68. 20/00932/FUL - THE ABBEY, ABBEY LANE, SWAFFHAM BULBECK**

Emma Barral, Planning Officer, presented a report (V125, previously circulated) recommending the approval of the application to construct a tennis court in the garden at The Abbey, Abbey Lane, Swaffham Bulbeck, CB25 0NQ subject to the recommendations detailed in Appendix 1 of the report.

She showed various maps, aerial views and photographs of the site and explained that the application fell outside the development envelope and within a Conservation Area Boundary. She informed Members that The Abbey was a Grade I Listed Building sitting within a recently-certified Scheduled Ancient Monument but the proposed tennis court site lay outside the area covered by the Schedule of Monuments and previous work undertaken by the current owners on the site had been both sympathetic and to a high standard. She outlined the proposed dimensions and construction of the tennis court.

The main considerations for the application were deemed to be:

- **Principle of Development** – considered to be acceptable as the proposed works were within the residential curtilage of the dwellinghouse and for the enjoyment of its occupiers.
- **Residential Amenity** – there were no nearby neighbouring occupiers that would be affected by the proposed tennis court and surrounding fence.
- **Visual Amenity** – the proposed site would not be overly visible from the main house nor the public highway to the south. It was not considered to result in harm to visual amenity and was deemed to comply with Policies ENV2 and ENV11 of the Local Plan 2015. Due to the proposal being set in the grounds of a Grade I listed property, and to ensure a high-quality finish, a planning condition had been appended regarding details of the proposed fencing.
- **Historic Environment** – the Conservation Officer and Historic England had been consulted and following their assessments the application was considered to comply with Policies ENV11 and ENV12 of the Local Plan 2015 by preserving the character and appearance of the Swaffham Bulbeck Conservation Area and the Listed Building, and being compatible with the character of the Listed Building. The Conservation Officer had stressed that given the proven archaeological sensitivity of the site,

Cambridgeshire Archaeology's<sup>1</sup> view on the application would be paramount.

- **Archaeology** – the Planning Agent, applicants and County Archaeology<sup>1</sup> had been involved in lengthy discussions since the application was first validated and whilst all were in agreement on the archaeological potential of the proposed tennis court site they had been unable to reach consensus on the wording of an archaeology condition to be appended to any consent granted. The Officer drew Members' attention to the wording proposed by County Archaeology and recommended by the Officer in paragraph 3 of Appendix 1 to the report, and that proposed by the applicants in Section 7.25 on page 13 of the report.

The Officer informed Members that Andy Thomas was present at the meeting on behalf of County Archaeology should Members wish to question him, and she concluded that Members were recommended to approve the application subject to the conditions set out in the Appendix to the report.

Upon the invitation of the Chairman, Andrew Burke then spoke as the applicant. He acknowledged the Officer's recommendation for approval and explained that his concern was the archaeological condition attached to it. He expressed frustration about the length of time the application had taken and that after around 15 months of dealings with County Archaeology he felt that their condition as drafted would lead to ambiguity and lack of clarity as to what needed to be done. He referred to an independent archaeological report that he had commissioned to accompany the planning application and explained that the area they had selected for the tennis court site was chosen because it was outside the earthworks. He noted his disappointment that the Cambridge Historic Environment Team<sup>1</sup> (CHET) had not visited the site and commented that he found them obstructive and hard to work with. He concluded that he was privileged to live in a Grade I listed property and that he respected that and worked with the statutory bodies. He was aware that remains could be found and would be very happy if that were to be the case. He stated that he would have an archaeologist on site but felt that the archaeological condition as recommended by the Officer was unduly confusing and restrictive and would lead to further prolonged discussion. He informed Members that Tom Woolhouse, his archaeological adviser, was present at the meeting to answer any relevant questions.

Cllr Brown asked for clarification regarding the fundamental difference between the wording of the condition recommended by the Officer and that requested by the applicant. Tom Woolhouse replied that while he was not qualified to discuss the wording of conditions the applicants were seeking clarity on the exact level of work needed since the recommended condition did not provide that. Andy Thomas (County Archaeology) responded that it was a standard condition allowing a degree of flexibility and would be up to the archaeological contractor and the applicant to discuss it further. He commented that a written scheme of investigation (WSI), as detailed in the condition in paragraph 3 of Appendix 1 of the report, would be in line with the guidance of the Chartered Institute for Archaeologists (CIfA) and the requirement for a WSI was the key element missing from the applicant's proposed wording of the condition. Cllr Brown questioned

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<sup>1</sup> "Cambridgeshire Archaeology", "County Archaeology", "Cambridge Historic Environment Team" and "CHET" are all names for the same organisation.

### AGENDA ITEM 3

whether the applicant's wording would do the same and Andy Thomas replied that it would not allow for suitable consideration and discharge.

The Chairman asked Andy Thomas to confirm that he would recommend approval subject to condition 3 of Appendix 1, and he concurred.

Cllr Trapp spoke as Ward Councillor and explained that in his opinion the current owners of The Abbey had completed substantial and carefully considered work on the property and were very conscious of the heritage they were preserving. He expressed surprise that although CHET had never visited the site, despite having been invited, they sought to impose what the applicants felt to be heavy conditions and he commented that conversely Historic England and the independent adviser Tom Woolhouse had both visited the site and deemed that the proposed tennis court site was unlikely to be important archaeologically. He expressed the opinion that CHET's powers should be exercised responsibly and with care not to be too onerous. He informed Members that he knew from personal experience that there had previously been a tennis court at a different location at the property where the rill pond was proposed and that it was now grassed over which he cited as evidence that tennis courts did not have to be permanent structures. He stated his opinion that the applicant's suggestion to have a watching brief during the excavations should be sufficient since the depth needed for a tennis court would be shallow.

Andy Thomas responded that the ClfA standards and guidance require all archaeological fieldwork, including watching briefs, to be governed by a WSI.

Cllr Jones asked if the delay had been due to Covid and Cllr Trapp responded that he believed County Archaeology had led to delays.

Cllr Stubbs asked Cllr Trapp to clarify the factual basis on which he had called the application in to Committee since Members must exercise care regarding their responsibilities in the Committee and not rely on thoughts or feelings. Cllr Trapp responded that his call-in was based on the length of time taken to date, the unclear conditions and that the conditions may be tortuous to complete.

*Cllr Trapp left the meeting at 2:22pm due to his prejudicial interest in the application.*

Emma Barral clarified that one significant delay to the application was caused by the wait for the outcome of the decision regarding the designation as a Scheduled Ancient Monument. Subsequent time taken was due to mediating between the applicant and agent and CHET. In response to further questions from Members she reiterated that the proposed wording of condition 3 in Appendix 1 was on professional advice of the consultees and therefore approval was recommended subject to the conditions in the Appendix. She also made clear that she had worked with both County Archaeology and the applicant in forming the recommended conditions.

The Chairman opened debate. Cllr Stubbs expressed concern that the application had been called in to Committee since she believed it to have been a detailed process completed by well-qualified Officers on a very important site and reminded Members that the Officer had recommended approval. The site was of such historical value and the proposed condition from officers reflected this. Cllr

Hunt shared her concerns that the call-in had come from a Member with a prejudicial interest in it. Cllr Downey agreed with the merits of the application and the Officer-recommended conditions but commented that in his opinion the call in of a contentious application was reasonable. Cllr Jones commented that it appeared to be a complex issue so he would follow the expert advice but hoped CHET would be sensible about the impositions placed on the applicant.

Cllr Stubbs proposed the motion for agreeing the Officer recommendations, Cllr Downey seconded it and upon voting it was duly passed with 10 votes for, none against and no abstentions.

It was resolved unanimously:

That planning application ref 20/00932/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report.

*Cllr Trapp returned at 2:38pm.*

**69. 20/00935/FUL - THE ABBEY, ABBEY LANE, SWAFFHAM BULBECK**

Emma Barral, Planning Officer, presented a report (V126, previously circulated) recommending the approval of the application to construct a borehole and rill pond in the garden at The Abbey, Abbey Lane, Swaffham Bulbeck, CB25 0NQ subject to the recommendations detailed in Appendix 1 of the report.

Since the application was from the same applicants as the previous item she referred Members to the background information given for that item and added photos of the proposed site of the rill pond and borehole, including the home office that had been constructed in recent years and would remain in place with the borehole behind and rill pond in front. She also provided details of the dimensions and construction of both.

The main considerations for the application were deemed to be:

- **Principle of Development** – considered to be acceptable as the proposed works were within the residential curtilage of the dwellinghouse and for the enjoyment of its occupiers. In addition the proposal did not result in a fundamental change to the use of that part of the Abbey grounds.
- **Residential Amenity** – considered to comply with Policy ENV2 of the Local Plan 2015 since its location and scale would not create any significantly detrimental effects on the residential amenity of nearby occupiers. There were also not considered to be any concerns in relation to water pollution as the proposals were for private use within the curtilage of the dwellinghouse.
- **Visual Amenity** – considered to comply with Policy ENV2 of the Local Plan 2015 by being designed to a high quality and utilising sympathetic materials and not visible from the main house nor the public highway to the south.
- **Historic Environment** – the Conservation Officer and Historic England had been consulted and following their assessments the application was considered to comply with Policies ENV11 and ENV12 of the Local Plan 2015 by preserving the character and appearance of the Swaffham Bulbeck Conservation Area and the Listed Building, and being compatible with the character of the Listed Building. The Conservation Officer had stressed that given the proven archaeological sensitivity of the site,

Cambridgeshire Archaeology's view on the application would be paramount.

- **Archaeology** – the Planning Agent, applicants and County Archaeology had been involved in lengthy discussions since the application was first validated and whilst all were in agreement on the archaeology potential of the site they had been unable to reach consensus on the wording of an archaeology condition to be appended to any consent granted. The Officer drew Members' attention to the wording proposed by County Archaeology and recommended by the Officer in paragraph 3 of Appendix 1 to the report, and that proposed by the applicants in Section 7.26 on page 14 of the report.

In conclusion she recommended to Members that the application be approved subject to the conditions set out in Appendix 1 of the report.

The Chairman invited the applicant, Andrew Burke, to speak and he in turn asked his archaeological adviser, Tom Woolhouse, to address the Committee.

Tom Woolhouse read from a pre-prepared statement:

*"You will be aware that the Abbey house is a Grade I listed building, while the immediate area around the house and part of the garden to its north have recently been designated a Scheduled Monument.*

*Both application sites under consideration here are located some distance away from the house and are well outside the Scheduled area.*

*Both sites are also outside the area of mapped above-ground earthworks at the property. A topographic survey carried out by the Royal Commission on Historical Monuments in 1972 concluded that the majority of the earthworks at The Abbey, including those closest to the rill pond site, were most likely to belong to a complex of post-medieval farm buildings rather than to the medieval Abbey, and therefore of lower archaeological interest.*

*Last year's Historic England Scheduling Report explicitly agrees with the RCHM's conclusions.*

*Furthermore, 18th- and early-19th-century maps (Chapman's Map of Newmarket Heath, 1768; Swaffham Bulbeck Inclosure Map) suggest that both application sites may actually be outside the historic boundaries of The Abbey. Prior to the mid- to late 19th century, the house and associated buildings appear to have occupied a long, narrow plot, with a curving western boundary, that excluded much of the present-day curtilage of Clare and Andrew's property, including both the application sites. So perceived association with the medieval abbey may be a red herring here.*

*This is not to say that the sites have no archaeological potential. Certainly, the Cambridgeshire Historic Environment Record lists a number of sites and finds, notably of later prehistoric and Roman date, in the wider landscape around the Abbey. However, there is nothing to necessarily suggest that either application site has a notably high archaeological potential.*

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*The rill pool involves excavation of a 15 x 4m area to a depth of 1.5m, certainly a level of impact on below-ground deposits, though within quite a localised footprint. The lawned area where the proposed pool is located is raised by approximately 1m from the land to the west and south and has the appearance of having been built up at some time in the past. The HE Consultation Report produced last year considers whether the build-up in ground level may have been associated with construction of a tennis court. Nevertheless, there is a chance that the majority of excavation for the rill pool may be into relatively recent made ground.*

*Clare and Andrew have made considerable efforts, from an early stage in the formulation of their proposals, to try to understand the archaeological potential of the application sites, and to understand whether the developments will have any archaeological impact.*

*They commissioned Barton Willmore to prepare a Heritage Statement for the rill pool in October 2019.*

*Following comments to ECDC from Cambridgeshire Historic Environment Team (CHET), Clare and Andrew then contacted PCA in January 2020. We advised that the best approach in our opinion might be for a professional archaeologist to dig and record a trial trench or test pit within the rill pool footprint, to ascertain with certainty the presence or absence, and significance, of any archaeological remains that might be present, and thereby allow an appropriate mitigation strategy to be developed.*

*We approached CHET to discuss this proposed evaluation work, but at that time they declined to issue a Brief for it on the basis that they did not consider the site to be suitable for development. They also indicated that they would continue to object to the proposals on the basis that they considered the site to have 'equivalent status' to a designated heritage asset within the terms of the National Planning Policy Framework. Since then PCA prepared a desk-based assessment which involved a site walkover and documentary research.*

*All of the submitted reports, including those compiled by Historic England, conclude that the areas outside the core of The Abbey site have relatively lower archaeological potential. The Scheduling chose to exclude both application sites and their immediate areas from the designation on this basis.*

*What Clare and Andrew would like after 15 months of uncertainty is clarity about what level of archaeological investigation is required and they would like that to be pinned down now. We believe that in view of the likely archaeological potential, and the scale of development impact, that the impacts could be appropriately mitigated by means of archaeological monitoring during construction – commonly termed a 'watching brief'."*

The Chairman invited questions from Members for Tom Woolhouse.

Cllr Jones asked for clarification about the expediency and/or cost implications of a watching brief vs the Officer-recommended condition whilst recognising that cost was not a planning consideration for the committee. Tom Woolhouse responded that he couldn't comment on potential costs but reminded Members that a

watching brief would not necessarily mean a minimum level of work since the amount of work would depend on whether or not archaeology was encountered.

Cllr Trapp was invited to speak as Ward Councillor and stated that there was little to add to his previous comments on the previous agenda item. He reiterated his belief that a watching brief should be sufficient and he confirmed that there was once a tennis court on at least part of the area proposed for the rill pond.

*Cllr Trapp left the meeting at 3:00pm due to his prejudicial interest in the application.*

Emma Barral clarified that the designation of part of the property as a Scheduled Ancient Monument determined where development could and couldn't take place, the site of this proposal was outside that area so could be developed but her recommendation was that it should be subject to the County Archaeology conditions as set out in Appendix 1 of the report.

*Cllr Hunt's video and/or audio connections were briefly intermittent from the end of Tom Woolhouse's statement until this point.*

The Chairman opened the debate. Members commented that the issues were little different from those in the previous Agenda item and commended the Officer for her hard work on both applications dealing with such a sensitive site.

Cllr Jones proposed the motion for approving the Officer recommendations, Cllr Stubbs seconded it and upon voting it was duly passed with 10 votes for, none against and no abstentions.

It was resolved unanimously:

That planning application ref 20/00935/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report.

*Cllr Trapp returned at 3:04pm.*

*A short comfort break was taken 3:04-3:10pm.*

**70. 20/01111/FUL - SITE ADJACENT TO 3 MAIN STREET, PRICKWILLOW**

Molly Hood, Planning Officer, presented a report (V127, previously circulated) recommending approval for the erection of two detached dwellings with one detached garage and off-road parking on a site adjacent to 3 Main Street, Prickwillow, CB7 4UN

She showed Members various site maps, photographs and elevations and informed them that the application site was within Flood Zones 2 and 3 and the Goose and Swan Impact Risk Zone, it was also partially outside the development envelope for Prickwillow.

The main considerations for the application were deemed to be:

- **Principle of Development** – the site has extant planning permission for three dwellings, therefore principle of development had been established.
- **Residential Amenity** – 3 letters of objection had been received from the neighbouring property regarding the impact of the development.



Amendments had since been made by the applicant resulting in changes to Plot 2 of the application. The application was considered to comply with Policy ENV2 of the East Cambs Local Plan 2015.

- **Visual Impact** – considered that the proposals were not considered to be harmful to the character of the street scene or its locality and were considered compliant with the Local Plan policies.
- **Highway Safety** – the site used an existing access point and contained sufficient parking and turning space for each plot. It was considered compliant with policies COM7 and COM8.
- **Flood Risk** – two previous outline planning permissions for the site remained extant therefore the development met the Sequential and Exception Tests. The Environment Agency raised no objection as long as the development was carried out in accordance with mitigation. The Flood Risk Assessment recommended the finished floor levels be raised to 1.5m AOD. The measurements had been conditioned in Appendix 1 of the report.
- **Ecology & Trees** – minimal disturbance to the trees and hedges was expected. The Ecologist advised that there would be insignificant effects on the Goose and Swan impact Risk Zone, and Natural England and The Wildlife Trust raised no objections.

Molly Hood summarised that the application was recommended for approval subject to the conditions detailed in Appendix 1 of the report.

At the invitation of the Chairman, Vladimír Matěják read aloud his pre-prepared statement objecting to the application:

*“Good afternoon.*

*My name is Vladimír Matejak and I live at 3 Main Street, Prickwillow. Our house used to be a Primitive Methodist Chapel before it was converted for residential use in 1988. For 175 years, The Old Chapel has been a solitary building with no immediate neighbours, separated from the rest of the village envelope by open countryside. It continued to benefit from this high standard of residential amenity and privacy also during the last 30 years of its history as a family home.*

*We do not entirely oppose any development on this site. Houses of smaller scale, following a linear development along the Main Street as established by No. 3 and other houses on the opposite side of the road would cause significantly less harm.*

*I'd like to take this brief opportunity to bring to your attention several items from the officer's report that are disputable.*

### *Principle of development*

*The officer's report suggests that the principle of development was previously established through the approval of two outline planning permissions. We would agree with that statement if the proposed development stayed within the limits previously defined. This is clearly not the case. The current full planning application is very different to what has been previously approved as an outline and it should therefore be rejected for being outside of the development envelope.*

*The planning policies should not be abused by applicants to get an outline planning application outside the development envelope when there is not a demonstrably sufficient supply of homes and subsequently inflate the size of the house in a full planning application that would never be permitted under normal circumstances. We understand the motivation why many applicants are trying to do so, but we also hope the committee members will agree with us that this is not acceptable.*

*Members might also remember from September last year a full planning application for a large Georgian style house that had an extant planning permission for barn conversion outside of the development envelope in Brinkley, which is not too dissimilar from this case and was refused by this committee.*

#### *Residential amenity*

*According to the Officer's report, the revisions made to Plot 2 are considered to minimise the harm and the proposed dwelling is not considered to result in significantly detrimental impacts.*

*We cannot agree with this statement. Yes, the harm may have been reduced by removing any windows from the south-west elevation. However, the harm most certainly has not been minimised and there is still a significant space for improvement. In fact, the location of the dwelling has neither changed nor moved closer to the road as suggested in the report. The south-west elevation has moved even closer to the boundary not away from it as described in the report.*

*The privacy of our curtilage would be negatively affected not only by the close proximity of the dwelling, but also by the elevated ground upon which this house is supposed to be built. The large rear patio, drawn in the Block Plan at 1.2 meters above ordnance datum, would provide unrestricted view of our garden. For illustration, we estimate that this patio would sit around 0.5 meters above our current fence which is 0.9 meters high.*

*Additionally, no comments are made in the Officer's report on residential amenity and overlooking between Plot 1 and Plot 2. We believe that the staggered positioning away from the streetline cannot provide a high standard of amenity and privacy for future users.*

#### *Visual impact*

*The previous outline planning application for Plot 2 strictly limited the scale of the dwelling to 10 by 12.5 meters with ridge height 7.69m. This limit was based on requested amendments which reduced the originally proposed scale so the dwelling would not create a dominant feature in the street scene where 4 bungalows are in immediate vicinity. It is a complete mystery to us, why the same officer that has requested these amendments for the outline application now considers much bigger houses not to be dominant. Especially, when one of the proposed houses has an unconventional architectural design that doesn't relate sympathetically to the immediate surrounding area.*

*With open boundaries, the adjacent fields owned by the applicant could be effectively considered as an excessively large curtilage to the two houses. This would lead into further encroachment into the countryside in the form of a large*

*residential garden completely surrounding our property. Therefore, all the boundaries to the adjacent fields should ideally be enclosed and not open as suggested in the report.*

*The visual amenity of the area would also be negatively impacted by raising the ground up to 1.5 meters around these houses which would create an unnatural step in landscape. All the other neighbouring houses are sitting much lower below the street level.*

*Other matters*

*Paragraph 7.9.1 of the report says that the approved drawings have been checked and the proposed elevations indicate that the dwellings floor will be 1.5m AOD. From what we can see, there is a discrepancy between the latest elevation plans and the block plan, which still shows floor levels at 1.35m. If the street scene view at the bottom of the block plan is dimensionally correct, then raising the floors to 1.5m would also likely increase the ridge heights above level indicated on this drawing which already exceeds the previous outline permission.*

*Thank you for the opportunity to talk to you today and for your attention and I'd welcome any questions you may have regarding these points or any other planning matters, mentioned in our objection letters, such as the local architecture, ecology and highway safety."*

He also commented that he remembered that one of the earlier outline permissions had an archaeology condition on it but had not seen any such conditions proposed for this application.

Edward Rice, the applicant, was then invited to address the Committee and he read aloud his pre-prepared statement:

*"Since outline permissions were granted for this site, along with our architects and the planning officer, we have worked closely for several months to produce a design for 2 family homes on our central plot in Prickwillow, which fulfil all the planning regulations and are sympathetic to the surrounding environment.*

*Having originally gained permission for three dwellings, we have reduced this to two and have redesigned them significantly on more than one occasion, including their complete repositioning on the plot, in large part to help overcome all the objections raised by one of the neighbours. In an effort to reach an acceptable outcome for everyone. This has meant considerable compromise of the original plan and the current scheme has received no objections from any of the statutory consultees. We now fully support the planning officer's recommendation to approve this application.*

*The application was set to receive consent in December when it was called into planning committee by Councillor Whelan. This was on the basis of: -*

- The site falling outside the Local Plan development area*
- The impact on the area and on the neighbours*

*In response to the local plan issue, the site has outline planning permission already established and, as the planning officer explains in section 7.2. of her*

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*report to this committee, the principle of development has been agreed; this permission remains live and development can proceed.*

*Regarding the second point, the impact on the area and neighbours, this has been extensively addressed in conjunction with the planning officer and the architects by the reduction in scale of development and alteration of the design as outlined in section 7.3 of the Planning Officer's report, which concludes the proposal is not considered to have a detrimental impact on the residential amenity of existing and future residents.*

*In terms of impact on the area, both properties are considered to be sympathetic in form, scale, layout and materials to the immediate area of the street scene.*

*Additionally, we have corresponded with all the other neighbours originally consulted in the planning process and a number of other residents on the Main Street within 100m of this proposed development and we asked them regarding the issues raised by Councillor Whelan. We have had many written responses, all of which were in full support of the development, with no adverse response at all. For example: -*

*'As far as I can see, the proposed dwellings can only improve the look of Main Street. The dwellings discussed would join up existing housing on that side of Main street to reflect the rest of the village.'*

*'After looking at the proposed building plans, I see nothing but a positive impact on the area. It's currently what looks like waste land so my personal opinion is that the two properties would enhance Prickwillow's appearance.'*

*The site has been in my family for over a hundred years; my grandparents lived on the site from their marriage in the 1920s and my father was born there in 1931. The planned buildings are for myself and another member of the family and, as custodians of the land for many decades and, as Chairman of the Prickwillow Village Council for 8 years, I would never wish to create new housing which would negatively impact the local community or upset the residents in the village, many of whom I have known for 60 years.*

*I consider we are building homes which enhance the street scene in the heart of our community. I am pleased to be living within a diverse and developing village with new housing being approved and built along Old Bank, Main Street, Prickwillow Road and even the development of St Peter's Church, all of which are encouraged and welcomed by the community.*

*I am in full agreement with the planning officer in her recommendation that this application be approved and trust that the committee will support her conclusions."*

In response to a drainage question from Cllr Jones, Edward Rice asked his architect, Ali Dalsar, to answer on his behalf. Ali Dalsar informed members that surface water needed consideration when building "out of ground" in properties such as this with a high floor level and level differences and surface water run off needed to be considered. He noted that 3 Prickwillow Road was also quite high and he stated that any drainage put forward for this development would ensure no adverse effects on the neighbours outside it.

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Cllr Trapp asked Edward Rice where the positive statements he read out had come from since Members' packs had only contained negative comments. Edward Rice commented that all of the negative points were received from one respondent and that he had personally asked others; those were the comments he read aloud and had also been given to Cllr Whelan. The Chairman reminded Members that no weight could be given to neighbours' comments that had not been seen by them.

At the invitation of the Chairman, the Democratic Services Officer read aloud a written statement supplied by Ward Councillor Alison Whelan:

*"Unfortunately, due to other commitments, I am unable to be with the Committee today.*

*I have called this matter in, not because I am opposed necessarily to development, but because I have concerns about the specific plans. The site plan offers concern about the proximity and scale of the planned properties to the converted chapel neighbouring the development.*

*I know there are other reasons that are of concern to some, and it is best that they present those arguments themselves, however, if this property was to be built in the current location, it would be out of place to the former chapel.*

*At a time that there is a demand for property, it is good to see infill land being used, however, it must be respectful to other properties already in the location.*

*I would urge that the design is reconsidered to be more considerate to the location and the neighbours and neighbouring properties."*

Cllr Trapp asked the Planning Officer for clarification regarding the access to No. 7 should the application be approved, and what was opposite the site. She explained that there was currently an additional access point for No. 7 so they would not lose access or private parking. She informed Members that on the opposite side of the road there were a range of single- and two-storey buildings all of which were situated in the flood zone and below road level.

Several Members raised questions regarding the extant outline planning permission for three properties. The Planning Officer and Rebecca Saunt, Planning Manager, and Barbara Greengrass, Planning Team Leader, explained that although the extant permissions for three dwellings would apply until their expiration dates the physical locations of the buildings in the application under consideration, if approved, would prevent the implementation of the older permissions.

The Chairman opened the debate. Cllr Every commented that she was the County Councillor for this ward and that she could not see any planning reasons to refuse permission. She congratulated the Planning Officer on her presentation and the overall process and she noted that the applicant had already agreed multiple conditions.

Cllr Jones expressed sympathy with the objector regarding the height but understood that flood risk compliance was needed and overall agreed with Cllr Every. Cllr Trapp commented that there had been much expansion between the outline permissions and the current application and that overall he felt three smaller dwellings would be more suitable.

Cllr Brown expressed concern regarding the inclusion of the word “experienced” in condition 22 of the Appendix, stating that it was not the role of the Committee to prescribe the experience level of a contractor and therefore effectively rule out qualified newcomers from receiving the work. Several Members concurred and the Planning Team Leader confirmed that the word could be removed if Members requested it.

Cllr Every proposed the motion for approval with the aforementioned condition 22 amendment, Cllr Ambrose Smith seconded it, and on voting it was duly passed with 10 votes for, 1 against, and no abstentions.

It was resolved:

That planning application ref 20/01111/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer’s report and the removal of the words “and experienced” from the last line of condition 22.

**71. 20/01156/RMM - LAND SOUTH OF 6 HINTON WAY, WILBURTON**

Toni Hylton, Senior Planning Officer, presented a report (V128, previously circulated) recommending approval of an application of reserved matters regarding a previously approved (19/00910/OUM) residential development of up to 30 dwellings on land south of 6 Hinton Way, Wilburton, Cambs.

She informed Members that since the report was published 20 neighbour comments had been received from a total of 8 separate households as well as 2 comments from external consultees; all had been provided in the Member packs. She highlighted which of the new comments were not planning-related and which had already been addressed in the report. She also corrected errors in the report regarding the numbers of churches and garages in the village and clarified that where Ground Source Heat Pumps had been referenced the text should have said Air Source Heat Pumps. She also clarified that where garages were provided there was no need for a cycle store since there would be cycle storage space within the garage. She explained that the drainage plan had been updated and related to the discharge of conditions rather than the reserved matters so should be deleted from recommended condition 1. Finally, she informed Members that the developer had asked for a change to the materials condition such that details of the materials specification should be submitted and agreed at a later date and in advance of above ground works.

She showed Members various maps, photos and aerial views in order to illustrate the location including its relationship with Conservation Areas, Listed Buildings and the Development Envelope. For the development itself she showed the proposed site layout, elevations and building designs. There were 11 x 2 bed properties, 14 x 3 bed properties and 5 x 4 bed properties proposed. She highlighted that the density at the south of the site adjacent to the Conservation Area was lower than in the north of the site.

The main considerations for the application were deemed to be:

- **Principle of Development** – 19/00910/OUM outline permission for 30 houses was approved on 16<sup>th</sup> April 2020 and access was agreed. A S106 agreement was secured and the conditions of the permission were detailed

in Appendix 3 of the report. Therefore the principle of residential development on this site had been established.

- **Access and Parking** – access had been agreed with the outline permission 19/00910/OUM and the proposed internal layout made the development of an adoptable standard. 70 parking spaces were provided across the site, including 4 for visitors, and properties without garages would be provided with cycle sheds. Condition 5 of Appendix 1 would ensure garages could be used for vehicle parking only. The proposal therefore met COM7 and COM8 of the East Cambs Local Plan 2015.
- **Layout** – the proposal contained a linear layout with public open space and offered connectivity to Hinton Way. The density of 25 dwellings per hectare offered efficient use of land in accordance with the NPPF and each property had a minimum 50sqm garden. It was considered in keeping with ENV1 and ENV2 of the East Cambs Local Plan 2015.
- **Landscaping** – The existing oak tree would be retained and there would be a variety of planting and benches. The site would also integrate with the public right of way to the north at Hinton Way.
- **Appearance** – a variety of building heights and materials were proposed together with a mix of soft and hard landscaping. The properties were simple in construction because the shell would be pre-fabricated off-site and then assembled on-site with outer materials added. The developers had requested an amendment to the conditions in order to submit exact materials at a later date but before above-ground construction. It was considered to comply with ENV1 and ENV2 of the East Cambs Local Plan 2015.
- **Drainage** – Condition 10 of 19/00910/OUM dealt with drainage issues. The LLFA had no objection to the RMM application but were still assessing the Discharge of condition application for condition 10.
- **Biodiversity** – The S106 agreement agreed to an off-site provision for biodiversity. There would also be landscaping and planting on the site and the solar panels and Air Source Heat Pumps made the site more environmentally friendly than with traditional energy sources. It was therefore considered to comply with ENV7 and the Natural Environment SPD.
- **Affordable Housing** – The S106 agreement required 9 affordable homes within the development and those were provided towards the northern edge of the site.
- **Neighbours** – neighbours' concerns had resulted in some changes to the application and it was acknowledged that their views would change and no longer be rural. The development ensured that back to back distances would be in excess of 20m and in excess of 10m from the boundaries. Conditions would be suggested to restrict the windows on some elevations. The plan was considered to meet the requirements of the Design Guide and Policy ENV2 of the East Cambs Local Plan 2015.
- **Determination of 19/00910/OUM** – the outline permission was considered at a time when the Local Planning Authority did not have a 5 Year Housing Land Supply. Each case was considered on its own merit and although 18 objections were received from 17 neighbours the site was considered to be a sustainable location for development in accordance with the NPPF. For information, some days after this site's outline permission was granted, the application 09/01464/FUM for a development of 23 dwellings elsewhere in Wilburton was refused permission due to being outside the development

envelope and being restricted by a tree preservation order for which some of the trees would be lost. The refusal was upheld on appeal.

In conclusion the Officer recommend that Members approve the application subject to the conditions detailed in Appendix 1 and with the deletion of the FRA and Drainage plan in condition 1 and the amendment of the Materials condition to require the developer to submit the details prior to commencement of above ground works.

The Chairman thanked her for the huge amount of work that had gone into this application and invited Owen Garrett to address the Committee. His comments closely followed the following pre-supplied written statement:

*“My name is Owen Garrett. I am resident at Clarkes Lane, and I'm speaking on behalf of the residents of seven properties on Hinton Way and Clarkes Lane. We are not against development in principle. We want development to reflect our edge-of-village character and to be sympathetic to our neighboring and local context.*

### Setting the Context

*Outline planning for Hinton Way was approved when the council could not demonstrate land supply. They applied the National Planning Policy Framework, which meant approving all development at almost any cost.*

*Just four days later, the revised five year Land Supply report was published. There was a surplus, which completely changed the decision criteria.*

*For example, the next month a much more attractive planning application for 23 dwellings on Station Road in Wilburton was refused when it was evaluated against the Local Plan.*

*The Hinton Way opportunity is not needed to meet housing supply. It is outside the village envelope. It does not meet large parts of the local plan. Outline would be refused if submitted today. Hinton Way is an exceptional opportunity for development.*

### A Complex Case

*Throughout the planning process, the reserved matters of appearance, layout, landscape and scale have been dismissed as just “finer details”, as if the decision were being fast tracked.*

*The report you have has many material errors. We've submitted a list to Planning Services and the Democratic Officer, and would be happy to share it if you have not seen it.*

*We assign no blame for these errors. Planning Services is clearly overloaded and under-resourced at this time.*

### Material Errors

*The report states that there are no objections from statutory bodies. No. Highways decline to adopt all of the road because of the drainage design. The LLFA hold a firm objection on the Eastern swale, and express concern with the drainage design. They ask for an assessment pre- and post-deployment.*

*The residents of Hinton Way are particularly worried as it is an unadopted road, downhill of the development, and damage would occur at their expense.*

*The report states 25 dwellings per hectare is acceptable by applying NPPF principles and claiming this density is common for the area. No! The most dense*



*part of Wilburton is 20 dwellings per hectare, and the refused application on Station Road was for 11.4.*

*The report describes the pre-fab, plastic-wood construction as “simple” and “adding interest with coloured windows and doors”, and claims such designs can be seen nearby. No. The childish design does not reflect the local context. It does not “create positive, complementary relationships with existing development”.*

*The Public Open Space calculations are wrong. The report claims 2055 sqm, but includes land that is not planned to be public open space. If you also exclude the attenuation pond - it’s a water hazard - and exclude the space bordered by private driveways and an open swale, the plan only offers 1330 sqm of accessible public open space, short of the required 1725.*

*Parking calculations are misleading. Excluding garages, parking provision is for 59 spaces where policy states a minimum of 68. Visitor parking is only 4, against a policy of 8.*

*The report states all properties will benefit from ground source heat pumps. No - not one property is planned to have a ground source heat pump. Neither is there provision for electric vehicle recharging.*

*In summary*

*In summary, this is a unique and exceptional opportunity to develop outside the village envelope. Matters of appearance, layout, landscape and scale are not just “finer details”.*

*Do you believe that the report makes an informed and balanced recommendation? Can you make a decision today, without being able to visit the site?*

*Our ask is that you recommend a deferment on the decision.*

*We ask that you allow additional time to address the drainage plan and swale ownership so the applicant can adjust their plan.*

*We ask that you clarify that the application should be re-evaluated against the Local Plan policies and guidance, not the ‘approve-development-at-any-cost’ spirit of the NPPF.*

*We ask that you direct Planning Services to approve only an exceptional proposal that meets local policies and maximises the benefit to new and existing residents.*

*On behalf of our community of residents, thank you for listening.”*

Cllr Ambrose Smith responded that it was unfortunate to have suggested that the application had been hurried through. Although the Planning Department was busy the Planning Manager had confirmed a full complement of staff. She asked what proportion of Wilburton 30 houses would represent, as this number in a village was not a large number and other communities were taking a large number of new dwellings. Owen Garrett asked to clarify his sympathy with the Planning Officers regarding their workload and reiterated that the residents he represented were not opposed to houses *per se*, rather to this number of dwellings, particular style and density.

Cllr Jones questioned the residents’ description of the design as “childish” and asked how they would envisage such a development bearing in mind that developers are encouraged to use modern methods. Owen Garrett responded that a more traditional brick-built style would be more in keeping and that the plastic wood-effect cladding with colour for interest would not complement the edge of village character. He urged the Committee to consider that being on the

edge of the village did not justify poor design. Cllr Hunt sought clarification regarding the assertion of plastic cladding and he responded that the description of “composite” material was to his mind plastic.

Cllr Trapp asked for more information about the density and style of housing immediately around the site. Owen Garrett responded that the highest density in Wilburton was approximately 20 dwellings per hectare, although he believed the immediate neighbourhood to be around half that figure, and all bar the property at No. 13 (which would be demolished for the access road) were 2 storey dwellings.

At the invitation of the Chairman, Poppy Church then spoke on behalf of the applicant by reading aloud the following statement:

*“Hello everyone, I am Poppy Church and I am delighted to be here today to talk about our exciting development proposals at Wilburton. On behalf of Project Etopia I would like to thank you Chairman and members of the planning committee for the opportunity to speak to you today. We are thankful for the favourable recommendation of our proposals provided by the case officer in the published report and would like to thank her for a useful and thorough presentation.*

*Project Etopia are challenging the heavily cement based traditional house building approach by combining energy, construction, and intelligent technologies to build homes of the future- today. Established in 2018, we are at the forefront of innovation when it comes to modern methods of construction. Our system uses hyper performing panels which are twice passive house standard when it comes to air tightness and can have the appearance of a more traditional vernacular.*

*Our first scheme is already delivering energy efficient new homes in Corby, Northamptonshire and we have received support for these net zero homes from our customers, local authorities and Government. These homes have been achieving EPC ratings in excess of 100, in comparison the average new build currently achieves 60/100. As explained in our briefing note, our successes have been recognised on a national scale, having won two industry leading awards in 2020 for Eco-Initiative of the Year and Small Developer of the Year.*

*Our company vision aligns with East Cambridgeshire’s declaration of a climate emergency. We strongly believe that our scheme accords with the recently adopted climate change SPD and we seek to be the first developer to deliver larger schemes with 100% net zero homes in this district. We will be verifying this through the EDGE net zero accreditation which is recognised and audited by the World Bank.*

*Our early design concepts of the scheme focused on the delivery of carbon neutral homes. As such, the renewable elements required to achieved this were discussed in detail during our pre-application meeting with officers from ECDC. Our pre-application consultation continued thereafter with stakeholder engagement together with community consultation.*

*Due to the restrictions surrounding the COVID-19 pandemic our engagement strategy focused on a comprehensive digital consultation programme. Letters were distributed to 90 nearby properties detailing our strategy. This included*

### AGENDA ITEM 3

*hosting a project specific website with an online feedback facility, alongside two digital public events.*

*The consultation website proved effective, with over 150 hits received during the 15 day consultation period. The two digital public events were also successful, whereby 15 people registered their attendance. The consultation website has remained live throughout the planning determination period, where we have provided several updates to notify neighbours on our progress. Over 500 visits have been made to this website since submission of the reserved matters planning application.*

*A number of comments have been raised regarding surface water drainage. The principles of a drainage scheme were agreed under the outline application with the detailed design secured through condition, which is yet to be submitted. To be consistent, we provided this information in this application, prompting a greater level of detail than would normally be expected at this stage with the LLFA. Notwithstanding that, the proposed strategy will vastly improve the current unmanaged drainage conditions on site whilst also catering effectively for the 30 new dwellings.*

*The details of the proposed reserved matters scheme build upon the strong Outline consent, which we commend the East Cambs officers for. Our intention is that the extent of the signed Section 106 obligations will be satisfied in full. This includes the delivery of 30% affordable housing. Whilst we have legal obligations to provide access to some neighbouring land parcels, Project Etopia have no control over any of these land parcels and are not aware of any forthcoming development.*

*We strongly believe that the design principles of this reserved matters application have improved the original indicative masterplan which accompanied the outline planning approval. In the officers reserved matters report, all policy design standards have been met, including accordance with the national residential internal space standards, and an over provision of both public open space and car parking. We have also retained the existing oak tree by making it a focal point of the scheme as well as the planting of 34 new trees, and a new pedestrian link through to Hinton Way and the public footpaths beyond. We believe this design uses the site efficiently as required by local and national planning policy and complies with policy HOU 2 of the Local Plan.*

*In conclusion; the scheme before you does not have any outstanding technical objections, we are agreeable to the proposed conditions subject to refining the detail with the Case Officer and we are truly excited to be bringing Net Zero homes to East Cambs and further showcasing what can be achieved with forward thinking partnerships between Local Authorities and Developers.*

*Thank you for your time, I hope that you can support your officers recommendation.*

*My Planning Consultant, Sophie Pain, and I are happy to take any questions."*

Cllr Wilson commented that the brochure the Members had been supplied with indicated the presence of vehicle charging points and asked for clarification as to where they would be situated and would there be one per property. Poppy Church replied that this was being reviewed with the energy provider, and the options

were being considered. She felt it likely that at least one in the visitor parking would be appropriate and also for the houses with double garages but the properties to the eastern side of the development would not lend themselves to charging points due to the footpath between the houses and parking spaces. When asked if a condition could be added regarding vehicle charging points she responded that she would be open to that.

Cllr Jones questioned the materials that were being used, in particular their longevity, and how the noise levels compared to a traditionally-constructed home. The Applicant explained that the structurally insulated panels were built offsite and then assembled onsite with a variety of outer layers available including brickslip, render or cladding. She said there were no concerns regarding the longevity of the panels in relation to the materials used or their adherence. Regarding noise abatement she said the Air Source Heat Pumps situated in the heavily insulated loft spaces could not be heard outside and there was no sound transfer between properties.

Cllr Trapp expressed excitement about zero carbon housing but was concerned about the proposed density of the development and asked if the Housing Association homes would be of the same standard as the private properties. Poppy Church replied that the intention was to achieve all of the policy expectations and therefore in terms of the national housing crisis the density felt appropriate and still achieved the policy requirements, for example, back to back distances and garden sizes, whilst making efficient use of the land. She confirmed that Housing Association properties were built to the same standard and external appearance but internal fixtures and fittings would be dependent upon the Housing Association partner.

When questioned by Cllr Wilson on the fire safety of the housing panels Poppy Church confirmed that there was a BDA agreement on the integrity of the panels, they are warrantied with LABC, were pursuing an NHBC warranty, and the panels had been tested to the full extent in terms of fire resistance.

Cllr Downey asked for more information on the net zero effect and energy efficiency of the properties in comparison to the average home. The Applicant responded that an average house emitted approximately 40% more carbon in their life span than the proposed properties. She reiterated the high EPC ratings being achieved at their site in Corby and also reminded Members that the houses were achieving twice passive-house standard in terms of air tightness. In response to Cllr Trapp she confirmed that these houses were not passive houses but on the specific measure of air tightness could exceed those standards. She also clarified to him that windows would be openable She also confirmed that the Air Source Heat Pumps could cool as well as heat the homes.

Replying to a question from Cllr Jones regarding the costs involved she confirmed that a Housing Association partner had not yet been engaged, and explained that the material costs were higher than in traditional builds and they hoped to get that back when selling.

Cllr Ambrose Smith asked if other big house builders were meeting this standard. The applicant stated that some large house builders were but Project Etopia were the first net zero developer.

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At the invitation of the Chairman, Anthea Dodson read aloud the following statement on behalf of Wilburton Parish Council:

*“Wilburton Parish Council are very concerned about the planning application for Land south of 6 Hinton Way Wilburton. There are several aspects of the case that cause us great concern which are detailed as follows:-*

*1. The density of the houses on this piece of land is too great we believe. The outline planning was for ‘up to 30 houses’ and the Developer has taken this to mean 30 houses regardless of the space that is available. The development has changed since the original submission and land has been lost to provide three exits to the land as well as moving the houses round to provide a small area of open space. This has resulted in the houses being even more ‘squashed in’.*

*Wilburton is a village that has homes with good sized gardens. The estates that have been built have all got larger gardens with a far lower density than this one is proposed to have. We believe that the site should have less houses - 20 would be the maximum number on this site we believe.*

*2. The available car parking is minimal. Each house has car parking for two cars but the whole site has minimal parking for any visitors to the development and if any of the houses have a need for further vehicles there is nowhere to park them. This means that any overspill will be parked in Clarkes Lane which already has several parked vehicles on it. And I noted that the developer stated garages would be designated for car parking but nobody will monitor or police it and in my humble opinion very few people park in garages.*

*3. The Development allows for a minimum of 60 cars to be entering and exiting onto Clarkes Lane at any time during the day. This then equates to the same amount having to access the High Street at the top of Clarkes Lane. This exit is very narrow and is in a tight area of the High Street with the traffic coming round the corner past the church and narrows as it goes past the row of houses on the High Street. This naturally causes congestion, even with the lower traffic volumes we’re experiencing at the moment due to the pandemic.*

*4. The proposed Development is being built on a piece of land that is subject to flooding and has a ditch or swale along one side which has always had water in it. The water then goes under Hinton Way to a field below which is often flooded. We believe adding the water from 30 houses will result in a significant amount of flooding and subsequent damage to the properties facing Clarkes lane and Hinton Way. The Lead Local Flood Agency refer to the issues that concern us in their letter.*

*5. We have noted the height of the houses and feel that they are too high and will not be in keeping with the surrounding area.*

*6. We respectfully believe that the Planning on this site needs to be revisited and a further design submitted which addresses the concerns raised.*

*7. Thank you for your listening to our concerns”*

The Chairman asked if 20 dwellings would be the right amount to be more in keeping. Anthea Dodson responded that this would be about right.

### AGENDA ITEM 3

The Senior Planning Officer reminded Members that the site access and traffic onto the A1123 had been dealt with in the outline planning permission and reiterated that changes had been made to the layout to increase the public open space and try to address some of the issues raised in relation to the layout of the site.

Cllr Trapp asked the Officer about the slope of the site and upon learning that the lowest point was to the north where the affordable housing was proposed he asked if that meant the Housing Association properties would be more likely to flood. She replied that drainage was being addressed and dealt with via a condition on the outline permission, in consultation with the relevant consultees and was expected to improve the current situation.

Cllr Ambrose Smith sought and gained clarification from the case officer that less housing would mean less affordable housing. The Officer confirmed that it would.

Several Members questioned Officers regarding the objections on the grounds of density and asked whether the number of houses could potentially be reduced. It was confirmed by the Planning Manager that Members must assess what was in front of them as that was the application being considered, and either approve or refuse this application for the proposed house numbers. The Planning Team Leader confirmed that refusal on the grounds of car numbers entering and leaving the site would not be valid since that had previously been assessed and agreed in the outline permission.

The Chairman opened the debate.

Cllr Downey stated that he felt the development had strong points in its favour and did not seem overly dense or cramped and could not identify any planning grounds to refuse it so he proposed approving the Officer's recommendation. Cllr Jones agreed and commented that density was subjective and while he shared concerns that the houses should look and feel like traditionally-built home he felt the development was broadly in line with providing suitable homes to meet local needs.

Cllr Trapp expressed excitement regarding the opportunity for eco homes but concern regarding the density compared to the surrounding neighbourhood and the design being more suited to an urban landscape than the rural setting.

Cllrs Brown and Wilson commented that since up to 30 houses had been agreed in outline planning permission there was no valid planning reason to reject the application on the basis of the number of houses. Cllr Brown agreed with the Parish Council's view that the condition regarding the use of garages for parking only was unenforceable and Cllr Jones asked Officers for clarification. The Planning Manager explained that the condition was intended to prevent conversion of garages into habitable accommodation but acknowledged the current wording appeared to suggest restrictions on any use except car parking. She suggested amending the wording to make it clearer.

Cllr Trapp stated if the application was approved it should have an electric car charging points condition added, to secure details as outline by the applicant.

Cllr Stubbs said that as a Ward Councillor she was very sympathetic to all the concerns raised by the Objectors and the Parish Council but felt that there were no planning reasons to reject the application. She thanked the Senior Planning Officer for her work on the application which had been highly complex and emotive.

The Chairman stated that a few less houses would greatly improve the scheme and improve both drainage and highway safety; the current proposal was an over development.

Cllr Ambrose Smith stated that large gardens were not always a pleasure and some people would prefer a smaller garden.

The Planning Manager highlighted the revisions to the conditions as previously explained by the Senior Planning Officer regarding deletion of the Flood Risk Assessment and Drainage Strategy from condition 1 and amendment of condition 15 requiring details of the materials to be submitted and approved prior to above ground construction, together with the Member-requested addition of a condition regarding a scheme for car charging points and the amendment of condition 5 regarding use of garages. The exact wording of the changes to be confirmed in consultation with the Chairman and Vice-Chairman outside the meeting.

Cllr Downey proposed the motion for approval of the Officer's recommendations subject to the afore-mentioned changes, it was seconded by Cllr Jones, and on voting was duly passed with 8 votes for, 1 against, and 2 abstentions.

It was resolved:

That planning application ref 20/01156/RMM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report with the following amendments:

- The Flood Risk Assessment & Drainage Strategy be removed from condition 1.
- Condition 5 be reworded to make clear that garages cannot be converted to habitable accommodation, but could be used for storage purposes in addition to the parking of vehicles.
- Condition 15 be amended to require details of the materials to be submitted to, and approved in writing by, the Local Planning Authority, prior to above ground construction.
- A new condition be added requiring that a scheme of vehicle charging points be submitted to, and approved in writing by, the Local Planning Authority.

**72. PLANNING PERFORMANCE REPORTS – NOVEMBER & DECEMBER 2020**

Rebecca Saunt, Planning Manager, presented two reports (V129 and V130, previously circulated) summarising the Planning Department's performance in November and December 2020.

She drew Members' attention to the inclusion of a new table entry "Validated within 5 days" which was an internal target, set at 75%, which she had included to highlight the excellent work of the department's support team in significantly exceeding that target.

### **AGENDA ITEM 3**

She informed Members that the department had a full complement of staff but remained very busy with the increased number of applications.

She highlighted the reported appeal decisions, most of which had been dismissed, and that a number of enforcement notices had been served.

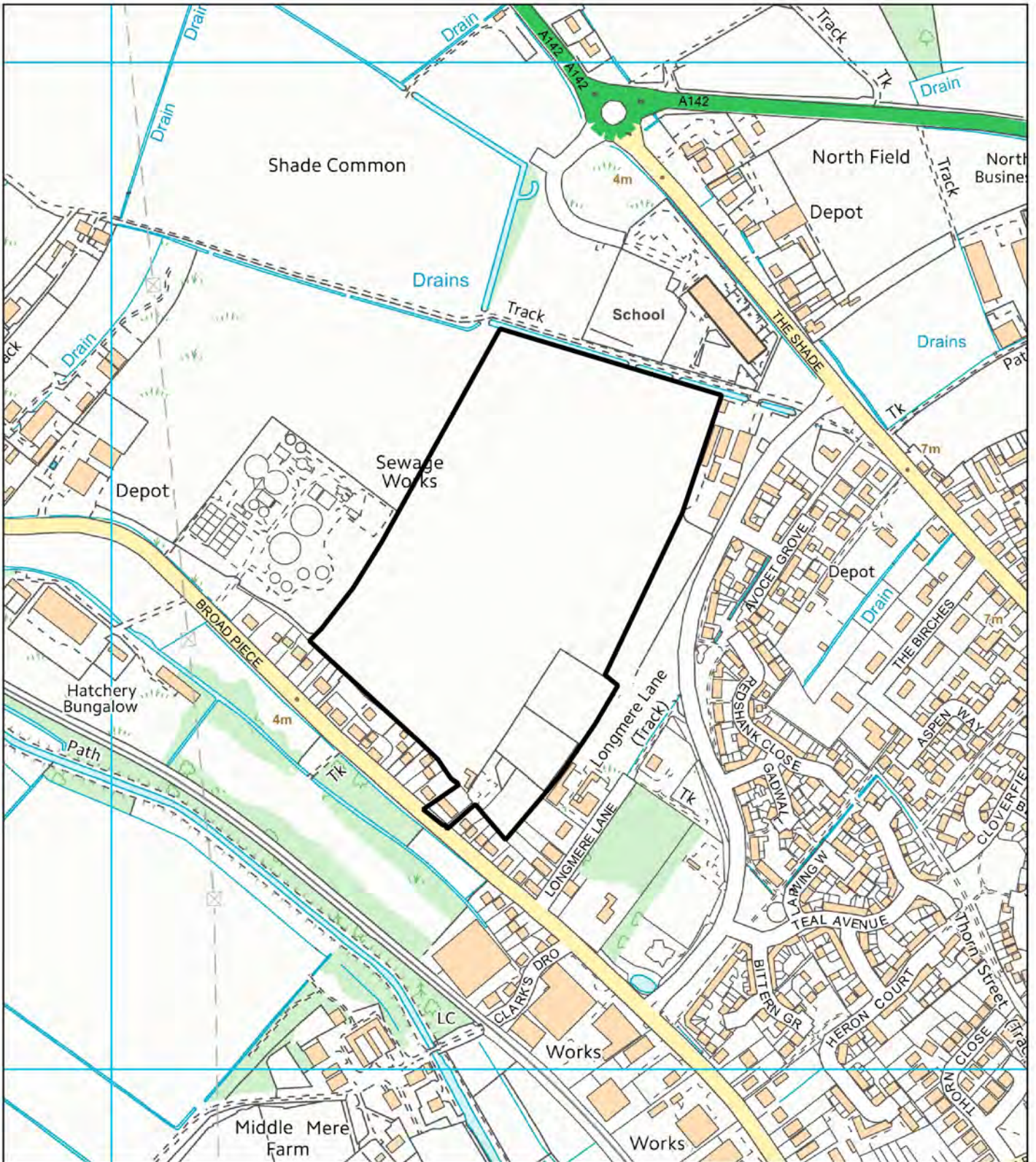
The Chairman thanked the Planning Manager and commented that the Officers continued to set very high standards within the nearby local authorities.

It was resolved:

That the Planning Performance Reports for November and December 2020 be noted.

*The meeting concluded at 5:43 pm.*





19/00717/OUM

Broad Piece  
Soham



East Cambridgeshire  
District Council

Date: 12/02/2021  
Scale: 1:5,500



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**MAIN CASE**

**Reference No:** 19/00717/OUM

**Proposal:** Proposed erection of up to 175 dwellings and associated infrastructure with access from Broad Piece

**Site Address:** Broad Piece Soham Cambridgeshire

**Applicant:** Persimmon Homes East Midlands

**Case Officer:** Barbara Greengrass Planning Team Leader

**Parish:** Soham

**Ward:** Soham North  
Ward Councillor/s: Victoria Charlesworth  
Alec Jones

**Date Received:** 17 May 2019      **Expiry Date:** 5 March 2021

[V137]

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**1.0 RECOMMENDATION**

1.1 Members are recommended to REFUSE planning permission for the following reasons:

1. The proposed development is located within the countryside outside the defined settlement boundary of Soham, where new development is strictly controlled. The construction of up to 175 dwellings in the countryside does not meet any of the defined exceptions within Policy GROWTH2 and would therefore give rise to an inappropriate development with no justification to override the normal presumption against development in the countryside. As such it is contrary to adopted East Cambridgeshire Local Plan 2015 Policy GROWTH2 and the National Planning Policy Framework, which seek to protect the countryside and the setting of towns and villages.

**2.0 SUMMARY OF APPLICATION**

2.1 This application seeks outline planning permission for up to 175 dwellings together with public open space, landscaped buffer, and attenuation basin and drainage infrastructure. The application also proposes 30% affordable housing and 5% self build/custom build plots. All matters are reserved apart from means of access. The proposal is to provide for a single access onto Broad Piece, provided for through the demolition of number 12. A secondary emergency access is also provided close to it, which will be used as a pedestrian/cycle access.

- 2.2 The application is accompanied by an illustrative masterplan illustrating how up to 175 dwellings could be accommodated on the site of 10.83 ha (26.7 acres). Due to the requirements for a substantial cordon sanitaire for the sewage works immediately to the west of the site, which represents a significant constraint to development, the green infrastructure/open space will be some 6.19 ha (15.2 acres) and 58% of the overall site area. This leaves a residential developable area of 4.64 ha (11.4 acres). A further corridor of open space is shown east to west through the developable 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/>.
- 2.4 This application has been brought to Committee in line with the Council's Constitution.

### **3.0 PLANNING HISTORY**

- 3.1 No relevant planning history for this site but planning permission for an upgrade to the PROW to the north approved on 07/02/2020 – ref 19/01729/FUL.

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

- 4.1 The site is located to the northern end of Soham, close to and adjoining the settlement boundary but within the countryside as identified within the Local Plan. The site also lies within the water treatment works safeguarding zone as the facility lies immediately to the west of the site. To the south and east is residential development, and to the north east a farm potato storage business. A drain and Public Footpath 17 run along the northern boundary of the site leading further afield to Footpath 205/16 and 205/18.
- 4.2 The site itself is largely agricultural land with the residential curtilage of number 12.

### **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.

#### **Cambridgeshire Archaeology**

3 January 2020

No further comments.

3 June 2019

Our records indicate that the site lies in an area of high archaeological potential, situated close to the north-western tip of the former 'fen island' of Soham: 'high' land that lay surrounded by fen deposits that accrued in the fen basin since the end of the Neolithic period about 4000 years ago. Such locales frequently provided rich mosaics of vegetation and natural resources that were exploited by communities living nearby. While evidence of prehistoric and later settlement and occupation is known from areas of recent development subject to archaeological investigation,

these mostly occurred on area of the island that had a thin gravel cap and better draining soils.

To the east of the site by 500m, very recent evaluations to the north of The Shade have recently revealed further Late Bronze Age-Early Iron Age (c. 900-500BC) occupation and field systems (Cambridgeshire Historic Environment Record reference ECB4753), including a metalled area around a large pit that demonstrates well the need to manage the claggy ground underfoot. This archaeological evidence is a continuation of Bronze Age and Roman field systems with field wells from the Cloverfield Drive/Townsend area to the south.

Excavations at Cloverfield Drive to the immediate southeast (ECB2139) in 2004 revealed Bronze Age occupation and field systems in the heart of this housing development, while Medieval quarrying and cultivation evidence was also present across the development area (MCBs 15835, 16867). Later field ditches were seen in the access road to Cloverfield Drive (CB15241). Fieldwalking of the route of the Soham bypass in advance of its construction demonstrated the presence of medieval settlement in this area of Townsend, roughly 0.5km to the east.

The application area lies to the north of the former Soham Mere, a large wetland area of around 550 hectares first recorded in the 11<sup>th</sup> Century. Drainage was first attempted in the later 17<sup>th</sup> century and it was fully drained and managed by the late 18<sup>th</sup>/19<sup>th</sup> centuries. Immediately north of the mere is a section of Soham Lode or River, a canalised southern branch of the River Snail that flows northwards from Fordham to the River Great Ouse via Soham. The date of original canalisation is not known but could be of later medieval origin to enable communications with the villages on the chalk to thrive. Improvements of the Lode undertaken by the Bedford Level Commissioners in the later 17<sup>th</sup> century coincided with general land improvements as part of the wider, long-term fenland draining scheme enabling more consistent protection from flooding.

No dry land passage between Soham and Ely was possible before the early 12<sup>th</sup> century, which had posed significant difficulties for communications to exist between the abbeys at Ely and Bury St Edmunds. The original causeway, formed of bundles of reeds, was constructed by a monk from Ely priory, the latter of whom held the duty to maintain it until at least the 14<sup>th</sup> century. Records indicate that the Dean and Chapter of Ely contributed to road repairs from the north end of the village well into the 18<sup>th</sup> century and there is reference to a much-despised tollgate close to the north end (<https://www.british-history.ac.uk/vch/cambs/vol10/pp489-499> (Communications)). The First Edition OS mapping for this area (1885) names the road now known as 'The Shade' north of Shade Common, and 'Ely Road' (A142) to the west as 'Soham Causeway'. Evidence of the reed bundles, should any survive, is expected to be beneath the current road bed.

The survival of the open medieval field system (*cf* Hall, D., 2014, *The Open Fields of England*. Oxford: Clarendon Press) is an important non-designated heritage and historic landscape asset for Soham. Typical of the Midland Field System, the three field for arable rotation and common lands for livestock grazing formed the heart of village life. Three commons survive today owing to the Decree of the Court of the Exchequer of 1686: Angle Common, East Fen and Qua Fen, supplemented by South and North Horse Fens.

Broad Piece lies to the north of Soham Lode and a drained wash land, south of the land parcel subject area, and was more occupied in the 19<sup>th</sup> century than was The Shade, which saw settlement expansion in the 20<sup>th</sup> century.

An 18th century windmill (06946) and a late 19th/early 20thC brick kiln (07088) are known from within 0.5km to the north of the Soham bypass and the north west of the proposed development area respectively: indicating the rural industrial usage of the area in the Post-Medieval period.

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured by condition.

**Design Out Crime Officers**

6 January 2020

No further comments to make.

3 June 2019

This is at present a location with a low vulnerability to the risk of crime. There have however been some incidents of disorder reported.

There is no specific Security or Crime Prevention section outlining what measures are being proposed but there is mention of NPPF Para 127. While this appears to be an appropriate layout in relation to crime prevention and the fear of crime, it is an illustrative masterplan. It would be good to see what security measures will be proposed/adopted particularly in relation to building security, boundary treatments and lighting.

**Soham Town Council –**

29 June 2020

The width of the road as it stands at present is 5.5m. Persimmon proposes to reduce this by 0.5m to 5m by widening the footpath from 1.3 to 1.8m. This width reduction is unacceptable for the following reasons:

From a document number 18409-04 Rev B response to CCC comments 19 December 2019 available on the ECDC planning site which indicates a road width of 5.5m. These new proposals do NOT follow the Cambridgeshire Design Guide. "13.1 it is noted as part of the proposals the existing footway and carriageway on Broad Piece will be widened to provide a 1.8m footway and 5.5m carriageway between the site access junction and the Broad Piece/Kingfisher Drive junction. It is noted the 5.5m carriageway falls in line with the carriageway widths recommended within the Cambridgeshire Design Guide for suburban and rural areas. The developer should confirm the 5.5m carriageway and footway improvements can be constructed within the existing highway extent. Furthermore, if it can be suitably accommodated within the existing boundary, the Highway Authority request the improvements are secured as a minimum 2m footway and 5.5m carriageway in order to encourage sustainable travel to and from the site. A detailed drawing of the

proposed footway improvements should be submitted and agreed with the Highway Authority.

This site was identified in the emerging local plan for no more than 100 dwellings. This application is contrary to the Local Plan and is constrained by the water treatment works. Anglian water are satisfied with the odour report but they should not be relied on and no report is provided by CCC waste. 30% affordable housing should be provided not 20%. Insufficient capacity for foul water drainage. Insufficient mitigation to prevent flooding on and of site. Cumulative impact of large scale housing developments. Expectation that the Council will apply the local Plan policies.

27 January 2020

- The site is not in the Local Plan 2015
- Outside of the development envelope of Soham
- Resides totally within Water Treatment Works Safeguarding Area and Water Recycling Area and there is no report from Cambridgeshire County Council
- Fails to provide 30% housing as outlined in Policy HOU3
- The schematic for surface water drainage does not provide quantal data to demonstrate the effectiveness of the shall depression
- Known drainage issues and the proposal indicates the necessity to in fill the ditch to provide an emergency access into the development
- Concerns raised with regards to the roads within the proposal nothing that there is a presumption in favor of providing this amenity using communal car parking areas. Would prefer to have direct parking at their properties and will for convenience in its absence of such often parking, double park and obstruct residential roads
- Residential roads must also be of an adoptable standard for refuse collection servicing to access
- Issues raised regarding the widespread and known insufficiencies to Soham town's current foul water drainage network.
- Although emerging Local Plan has now been withdrawn it should be reminded the relevant criteria that would be applied to this particularly site:
  - o 100 dwellings (maximum figure)
  - o Access only onto Kingfisher Drive
  - o Extensive buffering/landscape scheme to North and West which must be agreed by Anglian Water
  - o Order mitigation scheme agreed with Anglian Water

27 August 2019

Noted -significant number of resident objections to proposal  
Objections-amended flood risk assessment received marked as revision B remains as Revision A previously submitted for comment. Noted report as provided to mitigate IDB concerns remains factually incorrect/misleading

3.3.1-flooding of property 27 Broad Piece and surrounding environment formally noted/acknowledged by Anglian Water and action in remedy of installing a flood relief drain and culvert to assist with flooding of the properties and not as stated as ' drainage ditch created by local residents to remain'.

Amended drainage feasibility layout shows (again) a 'shallow depression' at the lowest (southerly) point of the site for 'exceedance conditions' which will further

exacerbate the overflow conditions at number 27. We have also significant concerns as it appears that the subterranean clay drainage system will be destroyed in the building process and will not be replaced raising the water further.

30 July 2019

It occurred to the residents of Broad Piece who were present at the meeting to ask if This Land had been approached by Persimmon Homes regarding using the A142 roundabout access road to access their planned development. The answer was not clear, but when asked if This Land would approach Persimmon Homes they replied it was not up to them. Although if This Land were approached by Persimmon Homes they would be open to negotiation.

The public mentioned that it would be more sustainable to have the access from the north of the development from the A142 roundabout thereby avoiding the building traffic and future residents travelling down Kingfisher Drive and Broad Piece almost doubling up on themselves. Would Persimmon Homes be willing to have negotiations with This Land? They are acting for Cambridgeshire County Council who own the land of both the Eastern Gateway and the Northern Gateway.

2 July 2019

Noted its objections and concerns to current proposal to develop Broad Piece, citing failure of the current application to mitigate and address the committee's previous response highlighting objection to the most recent web-based consultation by the Developers. Reinforcing its alarm as well as its previous comments from the web-based consultation and this planning applications which:

- Fails to address the known surface drainage issues that will impact new homeowners and exacerbate the current problems
- Lack of proper water migration, mitigation and management plan
- Unacceptable mitigation to surface water drainage management by utilizing surrounding ditches outside of the development
- Foul water provision is insufficient
- Lack of infrastructure or current proposed road for additional vehicular stress to and from development and in traffic loading to wider road transport network
- Cordon sanitaire recommendations appears to have been ignored/omitted from design
- The current plan involves a residential dwelling number 170 houses although a maximum of 100 houses were to be allowed at this site and any approval would be subject to:
  - o The site be considered for development only when and if other large scaled developments in the Local Plan as defined for Soham were delivered
- Under consideration of what is and what doesn't constitute sustainability when development is neither within the current development zone nor currently listed in the Local Plan appears current to be a significant factor to gaining planning approval from the Planning Authority due to the Districts deficient in 5 year housing supply the membership noted:
  - o An assumption in current planning application that there is sufficient amenity provision for these dwellings within a specified walking time/distance but that this accessibility is predicated and reliant on a theoretical 'as the crow flies' scenario outside of the current area of the development and using available footpaths that are not maintained but also on a theatrical 'amenity; planning documentation

- The BP garage next to Kingfisher Drive is the only amenity provision currently available to the propose development

5 June 2019

Acknowledged that the layout was illustrative so any comment on style of layout and design was presumptive at this stage, immaterial and outweighed by more important substance. Concerns raised at preapplication stage are as follows;

- a) Single exit onto Broad Piece not suitable for large scale housing due to width etc.
- b) Open space provision close to sewage works will have odour implications and maintenance should be secured.
- c) Drainage and flooding – properties continually flooded in the south west corner. Land is higher on the site. The development could worsen this situation. Questioned the effectiveness of the attenuation basin proposed.
- d) Foul water and capacity.
- e) Traffic volume and speed.

**CCC Minerals and Waste**

25 February 2020

Whilst the proposed development falls in the Waste Water Treatment Works Safeguarding Area for the Soham works, as designated through the adopted Cambridge and Peterborough Minerals and Waste Site Specific Proposals Plan 2012 (Policy W7AK), I note that an Odour Assessment was provided with the application, and that Anglian Water has been consulted on this.

The County Council, as the Waste Planning Authority, is satisfied that this matter has been considered by the utility provider; and notes that no objections have been raised by Anglian Water, and that the layout proposed is considered acceptable. I therefore have no comment to make on this planning application

**Local Highways Authority**

12 February 2021

After the investigation and agreement of the highway extent by the CCC Definitive mapping team I have no further objections to the proposed access or road widening. Subject to conditions being attached to any permissions granted including the delivery of the junction, road widening and footway/s along Board piece as per approved drawings and to CCC specifications.

15 July 2019

The Highways Authority objects to this application for the following reasons:

The application is not supported by sufficient highways information to demonstrate that the proposed development would not be prejudicial to the satisfactory functioning of the highway or highway safety

This application is to determine the access to the site. However no drawings showing clear dimensions, or an accurate OS base information of the proposed



junction and widening works have been submitted. The new junction with Broad Piece should show the measurements of the footway, carriageway and include the kerb radii. For this size of development I would recommend the following 1.8m but 2m footways preferable, 6m carriageway and 6m radii. Drawing number 18409-08 Rev B does not provide the required level of detailed information needed to confirm that the proposal is achievable.

The application proposes the widening of the footways and carriageway on Broad Piece. In order to ascertain if this is possible and can be achieved within the current adopted highway extent I require the following information: an accurate and current OS Base / TOPO drawing showing the adopted highway boundary extent and confirmation by CCC Definitive Mapping Team that this is correct. This must be overlaid with the proposed widening works. This will allow me to determine if the proposed widening works can be achieved. Drawing number 18409-08 Rev B does not provide the required level of detailed information needed to confirm that the proposal is achievable.

Whilst direct vehicle access on to Kingfisher Drive would have been preferable to the highways authority the proposed widening works on Broad Piece would facilitate the development. It is my understanding that the developer only controls and owns the land as shown within the redline boundary and as such this is why the access must be located as proposed and why the works on Broad Piece would be required.

I would recommend that a pedestrian and cycle link is installed to the north of the site linking to Footpath No. 17 this would provide a safer and more sustainable and convenient link to the school and the west of Soham.

The 85% percentile speeds in section 3.3.5, of the Transport Assessment, demonstrate that there is often speeds above the posted limit. Whilst this is a concern this cannot prejudice the outcome of this application as this is an existing issue. The achievable visibility shown at the proposed junction is actually over and above the requirement of 2.4m x 43m for this speed of road and it is also above what would be required for the recorded 85% percentile speed. Therefore the visibility at the junction is correct.

**County Highways Transport Team**  
20 November 2020

Background

These comments regard the additional information submitted by the applicant for the planning application concerning the proposed erection of 175 dwellings on the land north east of Broad Piece, Soham.

Transport Assessment Review

Proposed Mitigation

It is noted as part of the proposals the existing footway and carriageway on Broad Piece will be widened to provide a 1.8m wide footway and 5.5m wide carriageway between the site access junction and the Broad Piece/Kingfisher Drive junction as detailed in drawing nos. 18409-08-3 Rev O, 18409-08-2 Rev O, 18409-08-1 Rev O and 18409-08 Rev O respectively. This is agreed.

The direct footway link as detailed in drawing no. 18409-13 Rev I between the northern site boundary, The Shade Primary School, and Footpath no.17 which links to the existing footway network on Kingfisher Drive is agreed. Such works should form part of the S106 agreement.

The applicant is willing to provide a S106 contribution of £123,600 towards the A142/Fordham Road/A1123 roundabout capacity improvement scheme. This is agreed.

As part of the proposals, the applicant will also upgrade the existing pedestrian crossing at the Mere Side/Julius Martin Lane junction to comprise dropped kerbs and tactile paving in addition to localised footway widening in the crossing vicinity to 1.8m as detailed in drawing no. 18409-12-2 Rev B. This is agreed.

#### Travel Plan

CCC has not commented on any detail of the Framework Travel Plan at this stage. The Travel Plan should include suitable targets and measures inclusive of the provision of bus taster tickets or cycle discount vouchers. The Travel Plan will need to be subject to a condition should approval be given.

#### Conclusion

The Highway Authority does not wish to object to the application subject to the following:

1. Prior to first occupation of the development, the applicant shall provide a direct footway link between the northern site boundary, The Shade Primary School and Footpath no.17 as detailed in principle in drawing no. 18409-13 Rev I. Details to be submitted to and approved in writing by the Local Planning Authority and works to form part of the S106 agreement.
2. Prior to first occupation of the development, the applicant shall pay £123,600 (one hundred and twenty three thousand six hundred pounds) towards the A142/Fordham Road/A1123 roundabout capacity improvement scheme.
3. Prior to first occupation of the development, the applicant shall upgrade the existing pedestrian crossing at the Mere Side/Julius Martin Lane junction to comprise but not be limited to dropped kerbs and tactile paving in addition to localised footway widening in the crossing vicinity to 1.8m. Details to be submitted to and approved in writing by the Local Planning Authority and works to be carried out by the applicant as part of S278.
4. Prior to first occupation of the development, the applicant shall be responsible for the provision and implementation of a Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of cycle discount vouchers and/or bus taster tickets. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.

4 February 2020

#### Transport Assessment Review

##### Existing Traffic Patterns

It is noted Broad Piece in the vicinity of the site is subject to 30mph. The County Council are aware of concerns regarding speeding on this stretch of road. ATC data

coincides with this as the 85th percentile speed on Broad Piece in the vicinity of the site access is 39mph. The applicant is willing to deliver traffic calming improvements along Broad Piece. Given the road is frequented by HGVs and tractors, a gateway feature is proposed on approach to Soham at the existing speed change to emphasise the 30mph speed limit. This gateway feature is combined with a give-way priority build out feature to the east of the 30mph transition which is designed to slow down vehicles on approach to Soham. Such mitigation is not acceptable to the Highway Authority. The inclusion of a horizontal feature and introduction of a give way measure is not required to facilitate this development. It also restricts the free flowing movement of the traffic. The County Council would accept soft measures such as road lining and a gateway feature via a planning condition. Therefore, drawing no.18409-12 should be revised to consider the above comments.

#### Pedestrian and Cycle Network

It is noted Footpath No.17 abuts the development site to the north. The County Council previously requested the applicant to deliver a direct footway link between the site and Footpath No.17, in addition to upgrading the surface of Footpath No.17 between the site and Kingfisher Drive. This is to enhance pedestrian access and reduce walking and cycling distances for residents to existing facilities and amenities within Soham inclusive of The Shade Primary School. The County Council are currently in discussions with the applicant regarding such improvements.

#### Site Access

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

#### Traffic Generation

TRICS software has been used to determine vehicular trip generation. The proposed development is anticipated to generate 89 vehicular trips in the AM Peak and 83 vehicular trips in the PM Peak. The County Council had initial concerns that the vehicle trip rates for the development seemed a bit low. A separate TRICS assessment was undertaken by ourselves which included a revised sample size of sites that are more representative of the development in terms of size. Such assessment found similar results to the initial TRICS assessment. Therefore, it is considered the vehicle trip rates used within this assessment are acceptable for use.

#### Junction Assessments

The majority of junctions assessed are anticipated to operate within capacity for all assessment scenarios. The A142/Fordham Road/A1123 roundabout however, is anticipated to operate over capacity with a maximum RFC value of 1.00 on the Fordham Road (W) arm in the AM peak and a maximum RFC value of 1.06 on the A142 (S) arm in the PM peak in the 2028 future year + committed development + development scenario.

A mitigation scheme for the roundabout is proposed to improve capacity at the roundabout. Such scheme seeks to provide two lane entry and exits on all arms to improve capacity and has an in-principle total cost of £1.2 million. As requested by the County Council, the applicant has calculated a proportionate mitigation sum towards the A142/Fordham Road/A1123 improvement scheme in order to mitigate

the development. The applicant is willing to provide a proportionate S106 contribution of £123,600 towards the roundabout improvement scheme.

Proposed Mitigation

It is noted as part of the proposals the existing footway and carriageway on Broad Piece will be widened to provide a 1.8m wide footway and 5.5m wide carriageway between the site access junction and the Broad Piece/Kingfisher Drive junction. It appears some widening works are possible however, the applicant might not be able to achieve 5.5m along the entire length as shown in drawing no. 18409-08 Rev C and so the widening works may not be able to be constructed as shown. Drawing no. 18409-08 Rev C should be revised to reflect what can be accommodated.

As previously mentioned, the applicant is willing to deliver traffic calming improvements on Broad Piece in the form of a gateway feature at the existing speed change to emphasise the 30mph speed limit combined with a give-way priority build out feature to the east of the 30mph transition designed to slow down vehicles on approach to Soham. Drawing no.18409-12 should be revised to consider the comments made by the County Council earlier in this document.

As also mentioned, the applicant is willing to provide a footway link between the northern site boundary and Footpath no.17 which links to the existing footway network on Kingfisher Drive. The County Council are currently in discussions with the applicant regarding such improvements.

The applicant is willing to provide a S106 contribution of £123,600 towards the A142/Fordham Road/A1123 roundabout capacity improvement scheme. This is agreed.

As part of the proposals, the applicant will also upgrade the existing pedestrian crossing on the northern side of Mere Side at the Mere Side/Julius Martin Lane junction to comprise dropped kerbs and tactile paving in addition to localised footway widening in the crossing vicinity to 1.8m. Such mitigation will improve pedestrian access to the future Soham Station site. The shown works however, in drawing no.18409-12-2 Rev A are not to CCC standards. The layout of the tactile paving and locations of the dropped kerbs are not acceptable. Due to the existing junction layout, the crossing point is not considered to be located in a safe place as the crossing distances are too long furthermore, the tactile arrangement is not to the correct standard. Drawing no.18409-12-2 Rev A should be revised to consider the above comments.

Travel Plan

CCC has not commented on any detail of the Framework Travel Plan at this stage. The Travel Plan should include suitable targets and measures inclusive of the provision of bus taster tickets or cycle discount vouchers. The Travel Plan will need to be subject to a condition should approval be given.

Conclusion

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

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

18 July 2019

Conclusion

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

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

**Lead Local Flood Authority**

24 January 2020

No further amendments have been made to the submitted drainage strategy. Therefore, we remain supportive of the proposed development. However, since our latest response we have received further reports of flooding to the rear gardens of Broad Piece, Soham. We would therefore recommend conditions for submission of surface water drainage details and long term maintenance.

20 August 2019

No further amendments have been made to the submitted drainage strategy. Therefore, we remain supportive of the proposed development and have no further comments to make beyond those set out in our previous response.

26 July 2019

Based on the latest documents, we can remove our objection to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of an attenuation basin draining the majority of surface water by gravity from the residential and access areas of the proposed development. The basin then discharges surface water to the IDB drain to the north of the development. The southern access of the development will drain through a swale before discharging to south of the site.

The adapted Drainage Feasibility Layout drawing (ref: 971-00-01 Rev A) shows a depression in the open space, along the back of the properties on Broad Piece. This has been introduced to assist in providing mitigation to overland flows from the site and provide a level of protection the properties from any exceedance event. Further details of the design of this feature should be included at the detailed design stage. Conditions recommended.

27 June 2019

Object as insufficient plans to reduce flood risk to surrounding areas, insufficient surface water treatment and clarification over micro-drainage calculations.

According to the Local Topography shown in Figure 2.2, the site is significantly higher than the existing properties on Broad Piece to the south of the site, some of which have previously experienced internal surface water flooding. An informal

channel has been dug to the south of the site to divert surface water away from the rear of their properties as a protective measure. Whilst this channel will be left unaltered and no development has been proposed in proximity of the channel, 1.4 hectares of the southern section of the site will still drain towards the properties in the south.

Developers should seek flood risk management opportunities (e.g. safeguarding land) and to reduce the causes and impacts of flooding (e.g. through the use of sustainable drainage systems in developments). In addition, opportunities should be considered to reduce flood risk to existing communities through better management of surface water provision for conveyance and storage for flood water. Although some of the surface water that would naturally drain to south will be intercepted to the north, measures should be introduced to divert or intercept runoff from the 1.4 hectares in the south away from the properties along Broad Piece.

The submitted drainage strategy does not include detail on how surface water quality will be managed. This can be achieved through sustainable drainage systems such as permeable paving.

At present, two sets of Causeway drainage system calculations have been provided. Each set of calculations shows a different level of flooding during a 1 in 100 year event with a 40% allowance for climate change. Clarification is required as to why two sets of calculations have been provided.

**Technical Officer Access**

12 June 2019

Welcome footpaths throughout the site. Question whether this is an ideal location for a housing site, with an air quality problem it may impact on respiratory conditions.

**Ward Councillors**

26 June 2019

Cllr Jones - "Thank you for your invitation to comment on the plans for the 175 dwellings off Broad Piece in Soham. I should point out a declaration of interest in this development application, as I live on the neighbouring estate of Kingfisher Drive. During campaigning a number of residents raised concerns about the development of the land. These broadly fall into two categories, the impact of traffic and the suitability of the site.

With regard to issues of traffic, I would raise the following points:-

- Neighbours adjacent to the site entrance had concern around the ability of the narrow road width to deal with the increase in traffic. I can see a mention of a slight/limited widening of the road and I wonder will this be adequate? Residents have complained that this road is notorious for people breaking the speed limit, and a number have suffered damage to vehicles. Any substantial increase in the volume of traffic would only further aggravate this.
- Have looked at the plans, I have some concerns whether the 5.5 metres site entrance is adequate for the quantity of traffic generated from such a large development.

- Residence with roads that exit onto Kingfisher Drive (particularly Teal avenue and Avocet Grove) have mentioned that at peak times it can be difficult for vehicles to get out at these junctions and are concerned that an increase in traffic from this development would exacerbate this situation.
- Another similar issue to the previous one is the increase in traffic to the junction of Kingfisher Drive and the Shade. This junction is currently a cause for concern as it the major crossing point for children to access The Shade Primary School. However, currently there is no formal crossing point and parents are already struggling to negotiate crossing safely without any increase in traffic.
- I do feel that the current traffic survey is inadequate and would like to see a full traffic survey to assess the full impacts of this development and consider if more appropriate access to the site exists.

With regard to suitability of the site:-

- The documents supplied mention the Blue clay makeup of the soil and its tendency to flood in the winter months. I am not sure if the current plans deal with the issue, while the pond seems to deal with road surface water. As I understand it is the southern side that is more prone to flooding. Residents are again concerned that their properties situated some 3 metres below the height of the site are likely to encounter increased flooding if the issue of suitable drainage is not addressed.

Finally, I have reservations about situating a play area in the cordon sanitaire, which might be legal, but begs the question of is it good practice?

Although I know none of these points raised are particularly new, I feel you should be aware that there are concerns from many local residents that may not have formally raised their concerns. While, there is a need for further housing in Soham, any developments should not adversely impact its existing residents.”

### **CCC Education**

14 June 2019

Early Years - £19,992 per place (36 places) =£719,712  
Primary - £19,992 per place (70 places) = £1,399,440  
Secondary - £24,667 per place (44 places) = £1,085,348  
Life long learning - £26,288

### **ECDC Trees Team**

6 March 2020

Ref widening of existing footway: I agree with the submitted arboricultural assessment that tree T5 to the front of 1 Broad Piece the Blue Atlas Cedar (*Cedrus atlantica*'Glauca') is an A grade tree worthy of un-altered retention due to its high amenity value and street scene presence. Any excavations in its vicinity will require careful monitoring and planning to avoid affecting the trees vitality and stability.

Please note that the submitted Arboricultural Impact Assessment (AIA) is missing some details that should be provided. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and

mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels. The missing detail can be provided by condition for submitting a new/updated AIA.

20 January 2020

No further comments.

20 June 2019

Although most of the trees assessed as part of the tree survey were judged to be of a low quality, as a whole they offer a significant landscape value to the area and the integration of this site into the landscape, as such the retention of the majority of the trees is key to the potential future success of this application site.

Please note that an Arboricultural Method Statement will be required for this site prior to full planning permission being granted, along with the high quality Soft Landscaping scheme.

**Environmental Health (Technical)**

5 February 2020

I have read the revised NIA and have made the following observations –

- Page 9 clarifies that the mitigation measures proposed are for the unknown proposed employment use to the north of the site.
- On page 13 there is some additional information in the Ventilation and Cooling section which clarifies that if you find the development necessary and desirable and therefore relax the levels by 5dB then the entirety of the site will achieve acceptable sound levels. This is further confirmed in Section 7.3 General Ventilation Notes (which I must have missed the first time around).
- The Conclusions section has been updated and now outlines two proposals for the site. Both of which will achieve the desired internal levels using methods acceptable by the LPA.

7 January 2020

I have read the revised NIA dated the 5<sup>th</sup> September 2019.

The revised report includes a section on ProPG and makes the point that if the development is found to be necessary and desirable then the desired levels can be relaxed by 5dB and acceptable internal levels still achieved. This was something I neglected to mention in my original response but based on the recordings made in 2017 it would appear as though acceptable levels can be met across the entire site if levels are relaxed by 5dB.



Despite this the report is still stating that for 'Scenario 2' an open window on some facades will lead to a minor exceedance in internal sound levels and so recommends an alternative form of ventilation. I think some further clarity from the applicant is required on this point as it may be that this is the applicant's proposed method of mitigating the potential noise from the allocated business use to the north of the site (assumption - but that as things stand now acceptable levels can be met with an open window).

With regard to the Lafmax internal levels the revised report has expanded this section and broken down the previous measurements in to 5 minute periods in order to better represent the instances where levels are exceeded. The report finds that there is only one instance out of the 24, 5 minute periods where an exceedance took place. It is generally accepted that 10-15 exceedances a night is the point before sleep disturbance takes place and so I have no issues to raise with this element of the report.

11 June 2019

I would advise that construction times and deliveries during the construction phase are restricted.

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

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

With regard to the Odour Statement, the findings indicate that future residents will not be exposed to odour levels which would compromise their amenity or cause a nuisance. I have no reason to disagree with these findings but I would expect Anglian Water to be consulted as part of the planning process who may wish to make comments on this report.

I have read the Noise Impact Assessment produced by Cundall and dated the 9<sup>th</sup> May 2019. Sound measurements were taken on a Wednesday and Thursday in May 2017 and then a worst case scenario was modelled from the data sets obtained. These measurements were taken over two years ago and did not take in to account the morning rush hour (first measurement was taken at 12:45), although it did take in to consideration the evening commuters. If there have been any meaningful developments in the area since May 2017 which you feel may mean that these recordings are no longer representative then you may wish to request an updated NIA.

Figure 6 on page 13 of the report demonstrates that the majority of the dwellings on site will be able to achieve acceptable internal noise levels with a partially open window but that there are several properties on the northern and southern extremes which will require mitigation to achieve this.

External amenity spaces have been demonstrated to meet acceptable noise levels and so I have no concerns to raise with this element of the report.

Night Time Lafmax exposure has been demonstrated to fall below the WHO Community Noise guidelines with closed windows. If the mitigation above is not found to be acceptable then I would request confirmation that acceptable Lafmax levels can be achieved with a partially open window.

**Environmental Health (Scientific)**

13 August 2019

The Phase 1 Site Appraisal (Desk Study) prepared by GRM dated October 2014 is acceptable. The report recommends that a Phase 2 intrusive investigation is carried out. Standard contaminated land conditions recommended.

I have read the Air Quality Assessment dated April 2019 prepared by Create Consulting Engineers and accept the findings that the development is unlikely to have a significant impact on air quality. I agree with the recommendation that a CEMP should be supplied which includes a Dust Management Plan.

**Housing Section**

13 January 2020

Same comments as previous.

10 June 2019

The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 to deliver 30% affordable housing on site. (Up to 175 dwellings will secure up to 53 affordable dwellings)

Developers will be encouraged to bring forward proposals which will secure the affordable housing tenure as recommended by the most up to date SHMA at 77% rented and 23% intermediate housing and I acknowledge that the applicant has referred to this within the Housing Statement.

Detailed discussions are recommended with the developer prior to submission of the reserved matters application in order to secure an affordable housing mix that meets the housing needs of the area. Early indication suggests a mix of dwelling types, ranging from one to four bedroom homes.

It is recommended that the space standards for the affordable dwellings should meet the minimum gross internal floor area as defined within the DCLG; National Describes Space Standards.

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

**Waste Strategy (ECDC)**

31 May 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).
- Waste Services would request a plan from the applicant showing the drag distances for residents to present bins/bags at the curbside as per the above distances.
- Waste Services would also request a provision for litter and dog bins should the development be approved, these should be fitted in locations approved by Waste Services.

**Consultee For Other Wards In Parish**

No Comments Received

**Anglian Water Services Ltd**

23 January 2020

Nothing has changed since our last response of the 9<sup>th</sup> September which states the encroachment range is appropriate.

The foul drainage from this development is in the catchment of Soham Water Recycling Centre which currently has capacity to treat the development flows. The development is connecting directly to the WRC and will not impact on the local network.

*Odour Assessment*

We can confirm that the Create analysis is acceptable and that we concur with the conclusions set out in the submitted report. The encroachment range shown in the Flood Risk Assessment/Plan is appropriate and is acceptable to us.

6 January 2020

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

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

Anglian Water notes the close proximity of this development to SOHAM STW water recycling centre (WRC) and would draw attention to the potential for nuisance, associated with the operation of this treatment works, to effect the proposed development. Our initial odour risk assessment indicates that there is potential for loss of amenity at sensitive property within the proposed development due to odour emissions from the operation of the WRC. This WRC is operated in compliance with the appropriate regulatory standards and in accordance with established best practice, however, the process is inherently prone to short periods of relatively strong odorous emissions, against which there is little practical mitigation. We would advise therefore, that the proposed layout seeks to maintain an effective distance between the treatment works and sensitive accommodation. We would further recommend that a detailed odour risk assessment is undertaken to establish the range at which the amenity of neighbouring property is likely to be impaired. The results of any detailed assessment can be reviewed in further consultation.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

9 September 2019

Thank you contacting us regarding Broad Piece Soham, planning application 19/00717/OUM in relation to Soham Water Recycling Centre encroachment and the indicative pumping station design and location. We have the following comments to make:

*Odour Assessment*

We can confirm that the Create analysis is acceptable and that we concur with the conclusions set out in the report. The encroachment range is appropriate and therefore the proposed development layout is acceptable to us.

We would like this assessment to form part of the approved documents.

*Pumping Station*

Based on the submitted information and the indicative location and design of the pumping station Anglian Water cannot commit to adopting the pumping station at this point. However, we have assessed the site based on a pumped connection and, as stated in our response from the 24 June 2019, there is capacity in the network to accept the flows from the development. The developer is aware of our adoption standards for pumping stations, which includes access and maintenance requirements.

We engage with the developer regularly and will ensure we discuss this with them.

26 June 2019

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

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

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

**The Ely Group of Internal Drainage Board**

27 January 2020

No further comment but concerned about flooding that occurs to the properties in Broad Piece and which happened at Christmas. The proposal must address this issue and ensure water is captured on the site and drained away from the affected properties. Any system would have to be regularly maintained.

26 July 2019

The Board's boundary runs through the middle of the site, so only the northern half of the site is within the Board's District, though it is proposed that all of the site will drain into the Board's Cofton Main Drain, which is adjacent to the site.

The board has agreed in principle with the developer that no structure can be erected within six meters of the watercourse. There will also need to be a long term maintenance plan for the on-site surface water features.

The Board share the concerns of the Lead Local Flood Authority in relation to the surface water drainage at the southern end of the site. Residents in Broad Piece have experienced flooding in their properties, as this site is significantly higher than the existing neighboring properties.

If this site is to be developed, the application must make provision to reduce the flood risk to the affected properties in Broad Piece.

19 June 2019

The Board objects as no Flood Risk Assessment has been included. Without discharge rates the Board cannot make an informed decision. The indicative plan shows buildings and gardens within the Board's 9 metre Byelaw easement and would not be allowed.

**Environment Agency**

03 January 2020

We have no comments to add to our original response.

19 June 2019

No objection.

**Foul Drainage**

The latest measured flow data we have received from Anglian Water suggests that the foul flows through Soham WRC are approximately 60-70% of the maximum

permitted by the current discharge permit.

Our estimate (not confirmed by Anglian Water) is that there may be sufficient capacity to accommodate in the region of 400 new domestic properties before a breach of permit conditions, and a resultant threat of deterioration in the Soham Lode, occurs. Any deterioration in status of the Soham Lode would be in breach of Water Framework Directive obligations and the current River Basin Management Plan.

There is currently capacity at Soham WRC to accommodate foul flows from new development, and this application, in isolation, is not a cause of concern. We are aware, however, that foul drainage from a number of other allocated sites is also expected to connect into Soham WRC, and the full quantum of development proposed for all sites in combination cannot be accommodated within the current discharge permit.

The East Cambs Water Cycle Study (WCS) has recently been completed. The WCS assesses the potential impact of all allocated sites within the District, and includes the following Conclusion for the Water Quality Assessment (EA emphasis. *The proposed growth is predicted to lead to a deterioration greater than 10% and/or class deterioration in WFD determinands at Burwell, Ely (New) and Soham WRCs.*

In the case of Soham this can be accommodated through an upgrade to the WRC (Application of BAT) and a tightening of permits.

The Anglian Water Pre-Planning Report (dated March 27 2017), submitted in support of this application, confirms that Soham WRC “currently has capacity” to treat the flows from this development site. Bearing in mind the WCS conclusions, and the time that has elapsed since the Pre-Planning Report, it would be pertinent to request confirmation from Anglian Water that capacity is still available, and that an upgrade to the Soham WRC is not yet required.

**Asset Information Definitive Map team**

6 September 2019

Please note Public Footpath 17 Soham runs adjacent to the application site. Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public right of way. Its legal alignment and width which may differ from what is available on the ground.

The public right of way 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.

**Natural England**

7 January 2020

Natural England has previously commented on this proposal and made comments to the authority in our letter reference 286014 dated 04 July 2019.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

4 July 2019

No objection. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Your Authority should ensure that recreational pressure impacts to statutory and locally designated wildlife sites, including Soham Wet Horse Fen SSSI are adequately mitigated. This should include provision of sufficient quantity of high quality multi-functional informal open space and contribution towards delivery of measures identified in the Soham Commons Recreational and Biodiversity Enhancement Study.

**Cambs Wildlife Trust**

13 January 2021

I have considered the submission from the local resident regarding the impacts on Broad Piece Common. From the additional evidence presented Broad Piece Common, which is a County Wildlife Site, is used by local people for recreation including dog walking. The new development will likely increase the numbers of people using this site. However, the development is also proposing to provide approx. 4.97 Ha of natural greenspace. Using Natural England recommended figures of 8 Ha per 1000 population for provision of Suitable Alternative Natural Greenspace (SANGS), to avoid impacts on nearby designated conservation sites, the new development meets this requirement. It would therefore be unreasonable to claim that significant impacts are likely to arise at Broad Piece. However, as a more mature landscape, the common is likely to be attractive to the new residents, and numbers of visits are likely to increase, particularly in the short term until the new greenspaces adjacent to the development mature. It would therefore not be unreasonable to seek a contribution from the applicant towards management of Broad Piece to help manage the impacts from additional visitors. This may include a contribution toward habitat management or towards access improvements including entrance gates, path management or waymarking.

The ecological and other reports submitted with this application could be updated to reflect the facts presented by the consultees. However, this does not materially change the acceptability of the proposals in terms of accordance with biodiversity planning policies.

06 January 2021

I have reviewed the additional ecological information submitted in December 2020, including the Habitat Creation Plan Fig 1 Rev A, Updated Habitat Impact Assessment Calculator, Natural Environmental Statement Rev A, and Management Strategy Rev A. The revised habitat creation plan shows a significant increase in the area of natural greenspace on site with increases in semi-improved neutral grassland at the expense of the area of amenity grassland. The area of natural

greenspace on site now equates to 45% of the site area as opposed to 34% in the original proposals. This has consequently increased the % net biodiversity gain from 0.4% to over 10%. The revised Management Strategy also incorporates appropriate targets for the species-rich semi-improved neutral grassland, which should form the basis for a detailed Landscape and Ecology Management Plan, which will be required by way of a planning condition should this application be approved. The latest Dec 2020 proposals can therefore be considered to demonstrate a significant net gain in biodiversity and now accord with Policy SPD.NE6 of the East Cambridgeshire Natural Environment Supplementary Planning Document adopted September 2020.

19 November 2020

This professional ecological advice has been provided in accordance with the Service Level Agreement held with East Cambridgeshire District Council.

The Wildlife Trust has reviewed the additional information submitted including the Natural Environment Statement and Open Space and Landscape Management Plan and has the following additional comments to make.

The Natural Environment Statement seeks to demonstrate how the proposed development accords with the ECDC Natural Environment SPD adopted September 2020. The proposals do currently accord with the following policies:

SPD.NE1, SPD.NE2, SPD.NE3, SPD.NE4, SPD.NE5, SPD.NE7, SPD.NE9, and SPD.NE10.

They also appear to accord with policy SPD.NE8, in respect of ecology, though I cannot comment on the arboricultural aspects.

I would also make the following observations with respect to policy SPD.NE7. The application is for 175 dwellings and so this policy applies. This policy requires at least 20% of a development area to be allocated to wildlife-rich habitat. The proposals currently include 3.81 Ha of habitats out of a development site area of 11.01 Ha, which equates to 34% of the development site. Even if not all of these habitats turned out to be wildlife-rich, I believe it should be possible to meet this policy requirement through the detailed design of the development and production and implementation of a Landscape and Ecology Management Plan (LEMP).

However, the Natural Environment Statement does not demonstrate how the proposals accord with policy SPD.NE6.

Policy SPD.NE6 policy requires that developments demonstrate significant net gain in biodiversity, though a detailed definition such as a % increase is not specified. However, the Environment Bill currently going through Parliament suggests that new developments should achieve a minimum of 10% biodiversity net gain.

The Biodiversity Impact Assessment that accompanies the application has calculated a baseline site value of 23.97 Biodiversity Units (BU). The predicted post development site value is 24.07 BU. This represents an increase of 0.1 BU or 0.4%. In our January 2020 response the Wildlife Trust accepted the 0.4% Biodiversity Net Gain, as that met (though only just) the policy requirements at the time. However, I



do not count this level of Biodiversity Net Gain as significant; it is negligible. Further, there is the prospect of the development resulting in a net loss in Biodiversity Units, should implementation of the LEMP fail to meet expectations in any way.

The submitted Open Space and Landscape Management Plan does not give reassurance that the predicted post development biodiversity units will be realised. For example, under chapter 3 - General Amenity Grass and Wildflower Meadow Mix performance requirements, it is stated that success will be a maximum of 10% herb species. For the wildflower meadow to achieve the predicted Biodiversity Units in the Biodiversity Impact Assessment there will need to be a considerably higher percentage of wildflowers. I therefore advise that the application does not currently meet policy SPD.NE6.

However, it would be possible to achieve a 10% gain in Biodiversity Units (which could reasonably be considered significant) by increasing the areas of habitat on site from 34% to 40% (an increase in 0.6 Ha), assuming this extra area was allocated as semi-improved neutral grassland habitats. Another option for increasing on-site Biodiversity Units would be potentially by using a specialist wildflower lawn species mix with native wildflowers over at least part of the amenity areas. Incorporation of either of these options into a revised Biodiversity Impact Assessment could potentially demonstrate a significant net gain in line with policy SPD.NE6. The Open Space and Landscape Management Plan would also need to set appropriate targets and management regimes to support these habitats.

If additional on-site habitat and Biodiversity Units were not provided, then an off-site location elsewhere in East Cambs would have to be found in line with the policy SPD.NE6, in order to deliver significant Biodiversity Net Gain.

22 January 2020

The amendments to the above proposal do not significantly change the ecological impacts, therefore I have nothing further to add to my previous comments regarding protected species and open space.

I note a Biodiversity Impact Assessment (BIA) calculator has now been provided, and I am satisfied that this has demonstrated that a small net gain in biodiversity should be achievable on this site, based on the proposed layout. Should permission be granted, I recommend a condition requiring production of a Landscaping and Ecological Management Plan (or similar document), setting out details of mitigation, habitat creation, and long-term management measures to achieve the target conditions for created habitats, in line with the BIA calculator. Should details of layout change at a later stage, revisions will need to be made to the BIA calculator, to ensure a net gain can still be delivered.

2 July 2019

“With regards to impacts on protected species, I am satisfied with the mitigation measures proposed in section 5 of the Ecological Impact Assessment (EclA). Should permission be granted, these should be required by way of a suitably worded planning condition(s). I note that a Low Impact Class licence would be required to demolish the building with a confirmed small bat roost, and therefore also recommend a condition requiring a copy of the licence is submitted prior to demolition, to confirm appropriate mitigation is in place.

With regards to provision of open space, and potential recreational impacts on other sites, I welcome the significant area of open space proposed within the site. However, I do not agree that potential recreational impacts on nearby Qua Fen Common can be ruled out on the basis of size and location of the development. There are a number of existing and proposed developments in Soham, and the cumulative impacts of all of these (regardless of size) on existing open spaces must be taken into account. If new alternative open spaces do not provide sufficiently attractive recreational opportunities for new residents, then they will travel to existing more attractive sites within easy driving distance such as Qua Fen Common and Wicken Fen.

Therefore, the design of the on-site open spaces will need to provide an attractive destination, including significant areas of semi-natural habitat, and links with existing rights of way to allow for circular walks, which should be at least 2.5km and ideally up to 5km to encourage use for dog walking. Should permission be granted, the applicant should provide further detail on how this will be achieved.

Finally, with regards to net gains in biodiversity, no assessment of measurable net gains has been provided. Given the large area of open space proposed, there should be scope to deliver a net gain, but this will depend on the detailed habitat creation and enhancement proposals, the areas of semi-natural habitats to be included in the open space, and whether suitable management to sustain such habitats is viable in the future.

I recommend that an overview of habitat losses and gains (using a recognised biodiversity accounting tool such as the Warwickshire Biodiversity Impact Assessment Calculator) is provided to demonstrate how this development can achieve a measurable net gain in biodiversity, which should be provided before this application is determined.”

- 5.2 **Neighbours** – A site notice was posted and advert placed in the Cambridge Evening news. In addition 101 neighbouring properties were notified and 40 responses received which are summarised below. A full copy of the responses are available on the Council’s website.

Planning Policy

- Application attempts to use policies from rejected 2017 Local Plan document – not seen as valid because not previously adopted.
- Site only appears in Soham in the 2015 Soham Master Plan Vision Document, and not in the 2015 Local Plan (Adopted) Document.
- Land is outside of development envelope in current local plan.
- Part of land is used for equine support – losing this is against the council’s policy.
- Estate increases footprint of Soham – against previous policy.
- The site is outside the development envelope and should only be considered if the existing allocations have been filled and these are a long way off.
- The Local Plan refers to new high quality eco-housing. Is this met?

- The land is identified within the LP as a broad location for future development but that it is vital that the identified housing allocations come forward first. This has not happened.

Infrastructure and Highways

- Traffic surveys are now out of date
- New retail outlet Cotes Country store is opening increasing cars and deliveries on Broad Piece
- No plans to improve the road west of the site entrance/ roads have deteriorated
- Access should be from Broad Piece or by the M&S garage
- Broad Piece cannot cope with the volume of traffic as it is a rural back road and too narrow. Tractors and HGVs cannot pass.
- The surrounding roads are used by tractors and employees going to Shropshire & Son and local residents. The whole road structure would therefore have to be upgraded.
- The small road widening proposed is not enough. There is space to achieve this along some of the road but at 5 to 5d there are gardens and driveways with no footpath
- Broad Piece not suitable to be used as an access road being a rural road and will not be able to deal with the increased traffic created by the proposed estate. Broad Piece is a narrow and already busy road. Increased traffic on this road will create difficulty for current neighbours to access their driveways. Road widening is not seen as possible for Broad Piece road and will take up residents' land. Increased traffic will make it difficult for cyclists and horse riders who already use this road.
- Speed limit on Broad Piece Road is largely ignored. Increased traffic on this road increases residents' concerns with regards to damage to property and gardens, as well as the potential increased harm to young children who live down there with their families.
- Concerns regarding highway safety. Broad Piece access not good – access should be made by the M&S garage roundabout, or at Kingfisher Drive.
- More traffic towards the Cotes is unsafe.
- Drivers exceed the speed limit.
- There is already congestion near the school.
- Residents who live down roads that exit onto Kingfisher Drive already find it difficult to get out of these junctions at peak times.
- Increased traffic will make it difficult for vehicles to get out of junctions on Kingfisher Drive. On junction where Kingfisher drive meets Mereside – not maintained so there are concerns to how new infrastructure will be maintained.
- Current traffic survey seen as inadequate.
- Cars per property in a rural area are likely to be 1.5 per property.
- There is a 20 minute walk to the town centre and existing parking problems will be worsened.
- Soham has enough houses and there has been no increase in employment thus more congestion on the roads
- There has been no legal confirmation that the land is highway land.
- With heavy rainfall, water from field can run onto and collect on road, making road dangerous.

- Ditches that help water drain get filled in by large vehicles – e.g. farm vehicles and double decker school buses.
- The Cotes road is in a poor state which would be dangerous with increased traffic.
- Access to Broad Piece via end of Mereside is in total darkness. This would cause issues with putting in place cycle lanes.
- Traffic calming measures proposed on Broad Piece Road are not seen as the answer e.g. not seen as suitable for the large agricultural vehicles and would create additional traffic noise.
- Site entrance width of 5.5m seen as possibly inadequate.
- Estimates of cars per property are not realistic for this location and poor public transport and will cause heavy increase in demand upon Kingfisher Drive and The Cotes/Blockmoor Road.
- Unsure of proposed traffic widening.
- The development will increase to the parking problems in Soham.
- Broad piece is not wide enough for two HGVs to pass resulting in vehicles driving on footpath and causing damage to public highway. Not suitable for construction traffic.
- Widening part of Broad Piece will affect amenity of existing residents and not solve problems encountered elsewhere in Broad Piece.
- Kingfisher Drive is used as a rat run, on road parking in this area increases safety risks when crossing to main playground.
- Proposed Traffic calming in Broad Piece by way of build is considered to be better placed midway between sewer works and No 14. A gateway emphasising the 30mph limit is welcomed.
- Traffic calming is better placed to the east of Kingfisher Drive end and existing 30mph restriction.
- Nowhere suitable along Broad Piece for an access and traffic calming will not make an access here suitable.
- Objection to road humps due to vibrations from HGVs which have also caused damage to road since when visiting sewage works.
- Proposed Road traffic calming will not facilitate farm vehicles due to their size.
- No detailed plans provided for full permission for access. Questions whether there is sufficient width to accommodate sufficient roadway and footpath for heavy traffic.
- Consider 5.5m roadway insufficient to accommodate extra traffic and due to type of traffic using road. Also insufficient space for widening without encroaching onto properties' frontages.
- Queries how additional land will be purchased to increase width of road. Plans shows properties along Broad Piece losing parts of their land in order to facilitate road widening.
- Road also subject to flash floods so will need drainage.
- Road widening proposals and removal of vegetation and structures are proposed on land owned by residents, resulting in a loss of their property. Clarification of ownership is required and objects to the removal of property boundaries.
- Sewage tanks are underneath roadway along Broad Piece.

- No cycle path proposed which will result in road safety issues. Some park on the footpath to avoid cars being damaged.
- Proposed traffic calming not suitable. Insufficient information from developer. Cars will speed after. Best access is Shade roundabout.
- Details needed as to the relocation of street furniture, telegraph pole, GP Box and water meters to front of property and impacts to car parking which will no longer be able to park in front of garages and safety implications of this.
- Road widening proposals are on residents' land.
- Access from Broad piece would involve the demolition of an existing property as no suitable access available.
- The reduction in road width to 5m and the increase to footpath by .5m is downsizing to fit the plan for the housing estate entrance. This will lead to highway safety especially to pedestrians where large vehicles have to mount the path.
- The change from 5.5m width to 5m road width is not a road widening scheme. The existing road measures 5.5m. Not suitable for more traffic. Does not adhere to Cambridgeshire Design Guide or with Highways statements that the road needs to be at least 5.5m.

### Flooding, Watercourses and Drainage

- The site is regularly flooded and sits 3 metres higher than the houses in Broad Piece and gardens are often flooded.
- A shallow depression for exceedance flows is wholly inadequate
- Land to be built on is flooded regularly over Autumn and Winter months. Resident's living on land 2-3m lower around proposed estate believe flood water may affect them. Greater runoff due to new estate.
- No credible assurance that the surface water from the entire plot is to be appropriately managed in way that prevents residents from continuing to receive a rapid stream of water overflowing into properties
- The land does not drain well, being blue clay.
- Existing sewage and drainage infrastructure not seen as capable to cope with new development. When treatment works are full, public sewer overflows into gardens in Broad piece and toilets in properties do not work properly resulting in sewer becoming blocked. Residents think sewage system should be extended.
- Anglian Water investigating sewers blocking and this should be resolved before any further developments. Anglian Water have informed demand exceeds function and there is insufficient capacity resulting in flooding.
- Land not suitable for development due to poor drainage affecting neighbouring properties.
- The suggestion of a 'shallow depression for exceedance conditions' seen as inadequate.
- No Flood Risk Assessment has been provided to the Lead Local Flood Authority.
- When Kingfisher drive was built, pumping station could not cope.
- Waste water treatment plant needs improvement.
- Drainage drawing is inaccurate.

## AGENDA ITEM 5

- If access from Broad Piece is used, surface water cause runoff problems to the highway due to the land heights. Vital to get water under the highway to Soham Lode to stop flooding.
- Drainage ditches on common land to Soham Lode need digging as overgrown and not maintained.
- Topographical survey shows water run off towards Broad Piece. This should be intercepted before reaching Broad Piece and channelled into Soham Lode due to properties being below the level of new development.
- No assurance has been made by the developer in regard to drainage and no expert reports have been provided.
- Response to superseded drawings 971-00-1 drainage feasibility. The drainage ditch marked on the drawings as 'drainage ditch created by residents to remain' was created for the residents due to constant surface water overflow. A more permanent drainage ditch needs to be constructed and maintained.
- Due to drainage problems Attenuation area in SW would not be ideally located here.
- Developer not address issues in regard to resubmitted details in regard to flood risk and access.
- Resubmitted details show 'depression' being used for excessive rain and run off. Clay soil is not appropriate for this resulting in stagnant pond and drowning danger. Concerns in regard to proximity of neighbour's boundary and collapsing of land.
- Shallow depressions failed previously in construction of Kingfisher site which resulted in flooding to housing along Broad Piece.
- Insufficient resubmitted plans in regard to drainage. Property at Broad Piece experienced flooding in garden from proposed site on 21/12/2019.
- Current pumping station, sewers and storm drains at capacity. Sewage works in Soham already beyond capacity which has resulted in sewage flooding onto new build properties. Sewage improvements need to be made before any further developments allowed.
- How can development go ahead when no upgrading can take place at Broad Piece sewage works.
- Proposed shallow depression will compound problem. Drainage is needed across the back and then for this to be diverted.
- No drainage proposed to the south of the site resulting in flooding – flood prevention required here also.
- Flooding to properties occurred on 20/12/2019 after just 25mm of rainfall. Flooding has previously occurred – other dates supplied from Jan 2007 to Dec 2020
- Feels that this development is reckless and has no consideration to existing residents due to flooding impacts.
- Excessive climatic conditions in regard to rainfall are occurring, more frequently than the 1 in 100 years planning allowances.
- Residents letter sent to developer in regard to drainage and surface water at the SW of the site.
- 23 Residents' letters stating latest submission still not addressed drainage, sewer capacity and access issues.

- Objection to Persimmons Natural Environment Stated dated October 2020 – page 6, s3.1, step 6 – Proposed drainage basin to the north west of site will not alleviate risk of flooding to the south west due to land topography. This is not mentioned in the document. This needs to be considered as part of the planning application and not after permission granted.

Sustainability

- No expansion of services/employment in Soham.
- New estate does not address need for local affordable houses.
- Do the proposed properties ‘New High Quality Eco-housing’ – fit this description.
- The current infrastructure regarding schools and doctors is inadequate for additional 175 homes.
- No sustainable transport is available for this development.
- Entrance to the site from Broad Piece is unsuitable. Access via northern gateway is preferred due to safety, no disruptions in regards to road widening, less use of traffic and along the unsuitable Cotes road, no increases to traffic and congestion to the already busy Kingfisher Drive, construction traffic would not need to access via residential areas.
- Access via The Shade roundabout would be more environmentally friendly – could a shared entrance here be considered.
- Objection to Persimmons Natural Environment Stated dated October – site entrance would be more environmentally friendly towards main trunk road to limit car journeys, rather than proposed Broad Piece.

Education/Medical Services

- Staploe Medical centre cannot cope with more people from new development. Doctors at their capacity.
- Schools and medical centre are full.
- No formal crossing point to The Shade Primary School – increasing traffic will make it more difficult to cross road.
- Schools at their capacity, cannot cope with more children from new estate.

Ecology

- Impact on wild animals and birds.
- Broad Piece road – often run over animals. Pets have been killed too.
- Trees in SW corner need to be maintained.
- Concerns at diverse range of wildlife being pushed out. Better options available for entrance which would not impact on wildlife.
- Opposes hedgerows and trees to be removed for road widening resulting in loss of habitat for wildlife.
- Established hedges and fencing will be removed, home to a multitude of wildlife. They should be replaced.
- Strong objections to using Broad Piece as the entrance, a rural road with wildlife living in the area, would be a travesty to see the wildlife pushed out for concrete.
- Objection to Persimmons Natural Environment Stated dated October p8, s3.5 – Increased vehicular and foot traffic on Broad Piece Common needs to be investigated. Deer and grass snakes, among other wildlife, are present and the increase in traffic will have a detrimental impact to levels of wildlife.

Neighbour/Visual Amenity

- Houses overlooking into the adjacent farm.
- Restricted views, resulting in restricted sunlight to some neighbours.
- Impact on privacy.
- Noise levels and disturbance.
- Soham losing its identity/changing the character of Soham.
- Widening Broad Piece road – affect amenity of neighbours and properties on Clarks Drove, losing small buffer between road and Broad Piece will result in damage to house.
- Increased number of speeding cars along Broad Piece – could damage gardens/property, and a concern for residents with young children.
- Risk of subsidence to existing nearby properties.
- Concerns in regard to privacy and noise levels on amenity of residents at Broad Piece.
- Overlooking from proposed green space area due to land levels being higher and providing direct views into bedroom areas.
- Odour from the water treatment plant will be exacerbated and as such would need improvement.
- Developer has not demonstrated there will be no detrimental impacts to the residents to Broad Piece.
- Visual Impacts to streetscene from removal of hedges and boundaries.
- Heights and boundary treatments.
- The junction of Mereside and Kingfisher Drive is not maintained.
- The traffic calming gateway is insufficient to deal with the speeding issues.

Other Points

- Reservations about situating play area in cordon sanitaire.
- Concerns with regards to increased crime – more people and cut in policing.
- More traffic - air pollution/carbon emissions.
- Noise pollution, air pollution, vibration through properties and mess on road during development.
- Increased traffic – harder for people to walk/cycle.
- No detailed report from Permission in conjunction with the Flood Authority.
- Objection by highways authority.
- Soham has been inundated with new homes and is losing its identity.
- Industrial sites within Soham being developed resulting in more housing, no industry. Housing should be positioned closer to existing employment locations.
- Drawings submitted by developer not displaying clear numbering on revisions.
- Disagrees with legal opinion provided by Thea Osmund-Smith in regard to ‘appropriateness of the request for justification in light of the development plan and national planning policy’. Specifically, COM7 – Transport Impact.
- If the estate road is unadopted, where would refuse be collected.
- Not addressing the need for truly affordable homes for local people.
- The widening of the footpath outside my property will take some of my land.
- How will residents be compensated by Persimmon for the loss of their land.



- Persimmons response to residents' concerns regarding access is irrelevant and inappropriate by stating they do not have control of the land between the site and access points. Other more suitable accesses are available.

## **6.0 The Planning Policy Context**

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Design Guide  
Developer Contributions and Planning Obligations  
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated  
Cambridgeshire Flood and Water  
Natural Environment  
Custom and self build  
Climate change

### 6.3 National Planning Policy Framework 2019

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

6.4 Planning Practice Guidance  
National design Guide

**7.0 PLANNING COMMENTS**

7.1 The main issues to consider in determining this application are:

- The principle of development
- Visual impact
- Residential amenity
- Access and highway safety
- Flood risk and drainage
- Trees, Ecology and archaeology

**7.2 Principle of Development**

- 7.2.1 The starting point for consideration of this application is the development plan, the adopted East Cambridgeshire Local Plan 2015.
- 7.2.2 The National Planning Policy Framework promotes sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan, permission should not normally be granted.
- 7.2.3 The site is not located within an established development envelope and Local Plan policy GROWTH 2 restricts market housing (subject to certain exceptions) in such locations. Since April 2020 the Council has been able to demonstrate an adequate 5 Year Housing Land Supply, as demonstrated first in its *Five Year Land Supply Report - 1 April 2019 to 31 March 2024* (published April 2020) and later in its updated *Five Year Land Supply Report - 1 April 2020 to 31 March 2025* (published December 2020). The latter report confirmed that from 1 January 2021 the Council had a 6.14 year supply of deliverable housing land. That calculation included a 20% buffer as required by paragraph 73 of the NPPF based on a 2019 Housing Delivery Test (HDT) result of 66%.
- 7.2.4 The 2020 HDT result (published in January 2021) indicates that housing delivery in the district has improved to 87%. As a result of the HDT exceeding 85%, the appropriate paragraph 73 buffer falls to 5% which has the effect of increasing the Council's housing land supply to 7.01 years. This adequate housing land supply means that the Council considers its policies relating to housing delivery up-to-date.
- 7.2.5 Paragraph 12 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. The proposed development should therefore be determined in accordance with the development plan unless other material considerations indicate otherwise. The Framework is one such material consideration and should be considered.

- 7.2.6 Policy GROWTH2 of the Local Plan, seeks to manage new development so that it takes place in the most sustainable locations. It states that the majority of development will be focused on the market towns of Ely, Soham and Littleport, with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development outside these settlements will not be permitted except where it complies with a limited range of specified categories detailed in that policy; none of which pertain to the current proposals.
- 7.2.7 The applicant states that the sites identification within the text of the Local Plan as a broad location for housing growth should mean the development is permitted. However, this is not a Policy within the Plan but relates to an expression of how development may be accommodated within a later Local Plan. These are not precise or accurate allocations, and further investigative work on site deliverability and suitability will be required in the future, prior to allocation in a development plan. The next review of the Local Plan will provide an opportunity to undertake further investigative work relating to delivery and site boundaries.
- 7.2.8 As the Council is able to demonstrate a 5 year housing land supply, Policy GROWTH 2 is given full weight, and this proposal is contrary to that policy, as it is on land which is outside the settlement boundary as identified within the Local Plan and does not fall within any of the exceptions stated within the policy.
- 7.2.9 As the principle of residential development on this site is contrary to the adopted development plan, it is necessary, to consider whether there are other material planning considerations in line with the Framework, that justify development outside of the settlement boundary. If there are other material planning considerations that weigh in the development's favour then those should be considered carefully in the planning balance to assess whether or not they should prevail. The remainder of this report considers those material factors before reaching a conclusion on the proposal.
- 7.3 Visual impact**
- 7.3.1 This development proposal must be assessed in terms of any significant and demonstrable harm to the character and appearance of the area, both in terms of the impact on the setting of Soham and on the wider countryside.
- 7.3.2 Although the application is in outline with all matters reserved apart from access, the visual impact of the development of potentially 175 dwellings, must be assessed in principle. The density for the developable area of the site would amount to some 37 dwellings per hectare (15 per acre). Although this appears on the high side for an edge of settlement location, the significant buffer zone along the western boundary will assist with assimilation into the surrounding landscape. In any event the density is not set, as the application is for up to 175 dwellings and it would need to be demonstrated at reserved matters stage that this number of dwellings can be satisfactorily accommodated on site whilst achieving good quality design and a well designed development.

- 7.3.3 The applicant has submitted an illustrative site plan which shows how the site could be developed, with the dwellings to the east and an attenuation pond, with open space provision to the west and south of the site and provision of a significant landscaped buffer.
- 7.3.4 Policy ENV1 specifies that development should be informed by, be sympathetic to and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines. Positive and complimentary relationships are sought so that it will protect, conserve and where possible enhance amongst other matters the settlement edge, space between settlements and their wider landscape setting, key views into and out of settlements, the unspoilt nature and tranquillity of the area and public amenity and access and the nocturnal character of rural areas free from light pollution. This development site sits on the edge of the settlement. Similarly, Policy ENV2 of the Local Plan seeks to ensure that new development relates well to the context of its surroundings and respects density, urban and village character and the landscape of the surrounding area, including important views into and out of settlements.
- 7.3.5 The NPPF also states that the planning system should contribute to protecting and enhancing the natural and built environment and recognise the intrinsic character and beauty of the countryside.
- 7.3.6 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The analysis makes the following mitigation recommendations;

*“The scale of the development should be limited to 2.5 storey to retain the contiguous skyline from the west and south.*

*Minimal use of terraces and adequate spacing between buildings on the southern and eastern edges of the site, that allow some views to the wider countryside will help to retain a sense of openness and a semi-rural character.*

*Materials that form the external envelope and roof of the buildings should match the existing vernacular palette for example gault brick, flint garden walls, some cream render or paint with slate tiled roofs.*

*Planting to the periphery of the site to soften the built edge. This is particularly important on the southern and western edges of the site.*

*Planting within the site, particularly along transport routes, will help connect the development to the wider landscape and vegetation beyond the site.”*

- 7.3.7 In terms of the impact on the landscape character the report states that with the introduction of new residential development into this part of Soham, and at the same time, the introduction of landscape management objectives, including the introduction of further indigenous hedgerow and tree species and high quality structural landscaping, the overall magnitude of landscape character impact is assessed as small. The development would give rise to the introduction of elements that may be prominent but would not be uncharacteristic when set within the attributes of the

receiving landscape. Assessed against a landscape character that has been determined to have a low sensitivity, and a magnitude of change assessed as small, the significance of effect is classified as negligible.

- 7.3.8 Within a 15 year period new hedging and vegetation will be well established, will provide a denser barrier and will then be approximately 8 metres (26ft) in height. The main effects which will not be mitigated are from Kingfisher Drive and elements of Broad Piece as the site is at a higher level, when viewed from the latter.
- 7.3.9 It is considered that the most prominent visual impact in the landscape will be on approaching Soham from the north. The new houses will be highly visible but will be seen against a backdrop of the existing residential development of Kingfisher Drive so it is considered that the development will not be uncharacteristic and would not give rise to a significant visual intrusion into the character and appearance of the countryside in this location. The provision of a substantial open buffer will push development away from the countryside edge to the north and will allow good opportunities to provide a robust structural landscaping scheme which will assist in assimilation of the development over time. The visual impact of this development is considered acceptable and would not conflict with Policies ENV1 or ENV2 of the Local Plan.

#### **7.4 Residential amenity**

- 7.4.1 Policy ENV2 of the Local Plan seeks to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. There are a number of residential properties within close proximity fronting Broad Piece.
- 7.4.2 The change from an undeveloped piece of agricultural land to a residential development will clearly have an impact on the outlook and setting of these properties, as the site is higher than the dwellings in Broad Piece, and they will be likely to experience an increase in noise and disturbance, including traffic movements, from the occupants of that development. However, the plan which was submitted with the application, albeit indicative, does show that the development can be achieved by setting properties away from the rear of Broad Piece and Longmere Lane. In any event, details of scale, appearance and siting would be dealt with at reserved matters stage. It is considered that any impact on residential amenity could be adequately mitigated, to protect residential amenity with the use of soft landscaping, separation distances with existing properties and the height of the proposed dwellings, in line with the requirements of the Design Guide.
- 7.4.3 It is considered that an acceptable development could be designed at reserved matters stage to ensure that there are no adverse impacts on the residential amenity of adjoining residents or future occupiers of the site by paying particular attention to the garden sizes, scale of properties, separation distances and plot ratios to ensure no adverse impacts in relation to overlooking, overshadowing, and buildings being overbearing. It is considered that there would be an increase in noise and disturbance due to increased traffic along Broad Piece and this is a concern raised by local residents. However, this is not considered to be significant such that planning permission should be refused on that basis. The applicant proposes to

widen Broad Piece along its southern edge, to a point just north of its junction with Kingfisher Drive. This impact will be discussed in more detail later in this report.

- 7.4.4 Policy ENV 9 seeks to ensure that new development does not impact the ability of existing businesses to carry on their operations unhindered. The impact of siting new dwellings alongside the existing farm/potato store and the future employment development to the north therefore needs to be assessed.
- 7.4.5 Due to the location not far away from the A142, and that the site adjoins a farm/potato storage facility, the applicant has submitted a Noise Impact Assessment. This concludes that acceptable external and internal noise levels can be achieved with the ability to have windows open, although it does recommend that in 11% of the properties, based on the current indicative layout, that additional passive vents are incorporated to allow for closed windows should the surrounding environment become noisier. This matter could be dealt with by condition, as it is considered that the developer should ensure that, at the detailed design stage, the layout provides for a scheme which ensures that habitable rooms are not located on the noise sensitive facades, or that properties are set further way from the noise source and that any further development to the north of the site within the employment allocation is taken into consideration.
- 7.4.6 In respect of odour from the adjoining Sewage treatment works, the applicant has submitted an Odour Assessment. This acknowledges that Anglian Water produced a policy position in 2012 regarding planning applications for developments within 400 metres of STW. This policy indicates that Anglian Water will use a risk assessment process to consider the Environment Agency's stringent odour criterion of 1.5 ouE/m<sup>3</sup>.
- 7.4.7 Although there are no conclusive odour impact criterion to use for assessing odours from wastewater treatment works for planning purposes, this assessment shows that an odour exposure criterion of C<sub>98, 1-hour</sub> 3 ouE/m<sup>3</sup> is the most appropriate for this type of assessment. This is based on precedent planning cases and national guidelines.
- 7.4.8 Site specific odour emissions were used in the Assessment. These emissions were provided by Anglian Water and they are based on a survey undertaken at Soham Sewage Treatment Works in 2015. Emissions data, source locations and dimensions along with suitable meteorological data were input into the dispersion model ADMS-5.2 and odour exposure levels were predicted at the area surrounding the Soham Sewage Treatment Works.
- 7.4.9 Results of odour emissions modelling show that the proposed development site lies outside the accepted C<sub>98, 1-hour</sub> 3 ouE/m<sup>3</sup> odour exposure line, including the open space. Also, with the indicative layout shown, half of the open space and all of the dwellings, lie entirely outside Anglian Water's more stringent exposure line of, C<sub>98, 1-hour</sub> 1.5 ouE/m<sup>3</sup>. Anglian Water have also confirmed, this indicative layout is considered acceptable to them.
- 7.4.10 Review of odour complaints history indicate that there are no records of odour complaints related to Soham Sewage Treatment Works. Anglian Water advised the applicant that one odour complaint has been reported but they have not provided any details related to this complaint. This history of odour complaints indicates that

existing properties, which lie within the C<sub>98, 1-hour</sub> 5 ouE/m<sup>3</sup>, are not exposed to odour levels which are compromising their amenity.

- 7.4.11 On the basis of the dispersion modelling results and the complaint history related to Soham Sewage Treatment Works, the assessment concludes that the residents of the future development will not be exposed to odour levels which will compromise their amenity or cause them nuisance.
- 7.4.12 Regarding the concerns raised by the siting of the open space and play area, the latter could be re-sited, as at outline stage it is only an indicative plan which has been submitted. In any event, only half of the open space area lies within the 1.5 - 3 ouE/m<sup>3</sup> exposure limit. This is considered to be an acceptable exposure limit, given that precedent planning cases have accepted that an odour exposure criterion of C<sub>98, 1-hour</sub> 3 ouE/m<sup>3</sup> is acceptable.
- 7.4.13 Given all of the above, the development accords with Policy ENV 2 and ENV 9, in respect of ensuring that future occupiers enjoy high standards of amenity and that the noise from the A142, farm/potato store, and future employment uses, is adequately mitigated, and with Policy ENV 9 in ensuring that the existing business in the vicinity will not have their operations curtailed as a result of this development.

## **7.5 Access, highway safety and transport impact**

- 7.5.1 The proposal is to provide for a single access onto Broad Piece, provided for through the demolition of the property at Number 12. A secondary emergency access of 3.75 metres (12 ft) is also provided close to it, which will be used as a pedestrian/cycle access.
- 7.5.2 This is acceptable to the County Highway Authority. In order to accommodate the additional traffic from this development the applicant proposes to widen the road and footpath to provide a 1.8m (6ft) wide footpath and 5.5m (18ft) carriageway, along the length of Broad Piece from the site entrance to the junction with Kingfisher Drive. This is acceptable to the County Highway Authority as it can be accommodated within the scope of the highway land and can be secured by condition.
- 7.5.3 This widening will impact residents on Broad Piece, along the southern edge of the existing carriageway, as it is proposed to widen the existing footpath, into the carriageway, along the northern edge of the road, to 1.8metres (6ft). The existing carriageway will then be widened to 5.5 metres (18 ft), in a southerly direction. This means that the existing carriageway will be widened in a southerly direction by up to 1 metre (3ft).
- 7.5.4 Discussions have taken place between the applicant and the County Highway Authority before the application was submitted. Detailed and scaled plans were requested to show how exactly the road widening would be achieved on the ground.
- 7.5.5 Originally the developer proposed to widen the road along its northern edge. However, objections were received and the highway Authority were not convinced that the required road widening could be achieved. Therefore, the County Highway Authority have undertaken further extensive research and site survey work, to ascertain the correct extent of the highway boundary along Broad Piece. This has

taken some time and now the Highway Authority are satisfied that the amended road alignment is all within highway land and can be achieved.

- 7.5.6 The area fronting Number 5 to 5d Broad Piece (5 properties), will be most impacted as this highway land appears as front garden at the present time. The area of land fronting these properties forms a mixture of gravel and tarmac driveways and grass garden/verge areas. There is one property (5c Broad Piece) that will require some vegetation to be cut back, to achieve the required works.
- 7.5.7 Given the level of objection from residents regarding the access to the site from Broad Piece, the applicant was asked to investigate the possibility of achieving access to the north of the site, onto The Shades roundabout or to the east of the site onto Kingfisher Drive. This work was undertaken and discussions took place with the landowner but was not, in the end, achievable. The applicant has provided an access appraisal setting out the reasoning as follows;
- 7.5.8 Access in both locations is prevented because of land ownership issues. Nevertheless, the applicant did approach landowners to the north in an effort to secure access to the roundabout but negotiations were unsuccessful. It is clear that the applicant has made reasonable endeavours in considering alternative vehicular access points.
- 7.5.9 Also paragraph 109 of the NPPF, establishes that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.5.10 On this basis, the principle of providing access to the site from Broad Piece must be accepted, as long as it can be satisfactorily achieved.
- 7.5.11 The application is accompanied by a Transport Statement which concludes that the development can be accommodated without significant impact upon the existing highway network. This is now accepted by the County Highway Authority providing the following mitigation is provided.
- 7.5.12 The widening of the existing carriageway and footway in Broad Piece and the upgrade of the crossing at the Mereside/Julius Martin lane junction in addition to localised footway widening. A financial contribution of £ 123,600 is also required towards improvements to the roundabout at the A142/Fordham Road/A123 roundabout.
- 7.5.13 In order to enhance connectivity to the north, the applicant is proposing by way of a separate planning permission, to deliver a pedestrian and cycle link to the school and beyond. This has been approved and would form part of any S106 agreement to ensure its delivery, ref(19/01729/FUL). This will involve upgrading the surface and providing for a new entrance directly into the school which is acceptable to County Highways and has been agreed with the school.
- 7.5.14 The proposed number of car and cycle parking spaces in accordance with Policy COM8 would be assessed as part of any reserved matters application and does not form part of the assessment of this application, as the detailed design elements are



not being considered. However, it is considered that the required parking could be accommodated on site, in accordance with Policy COM8.

- 7.5.15 All the highway requirements would need to be secured by S106 legal agreement and planning condition. Subject to this the proposal complies with the requirements of Policy ENV2 and COM 7 of the Local Plan.

**7.6 Flood risk and drainage**

- 7.6.1 Foul water drainage – A pumping station is proposed which will feed into the sewage treatment works. Many concerns have been raised by residents in relation to capacity, but Anglian Water have confirmed that there will be available capacity for these flows. The proposal therefore complies with Policy ENV8 of the Local Plan.
- 7.6.2 Surface water drainage – Many concerns have been raised by local residents and the Town Council and it is acknowledged that flooding occurs to the properties along Broad Piece because the application site sits higher than those properties. However, the Lead Local Flood Authority have visited the site to investigate in detail and are now satisfied that the surface water drainage scheme proposed will improve the situation for existing residents. The Flood Risk Assessment demonstrates that the development will not lead to greater risks of flooding either on or off site. The Lead Local Flood Authority are content that the scheme proposed is acceptable, comprising a swale and attenuation pond, with controlled outfall to the ditch to the north of the site. More details would be required as part of any planning permission, by way of condition.
- 7.6.3 The Lead Local Flood Authority have also advised that the Environment Agency data highlighted by residents, and raised within the FRA, is strategic modelling whereas the FRA is very site specific and has dealt with water levels in extreme events.
- 7.6.4 The proposal is considered to comply with Policy ENV 8 of the Local Plan 2015 and the Cambridgeshire Flood and Water SPD.

**7.7 Trees, Ecology and archaeology**

- 7.7.1 Policy ENV7 of the East Cambridgeshire Local Plan 2015 recognises the importance of environments such as trees, wetlands, hedgerows, woodlands and ponds which provide habitats, corridors and links for wildlife, and are part of an essential network for the survival and diversity of species. Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175(d) goes on to advise that development should be supported where the primary objective is to conserve or enhance biodiversity. It goes on to advise that opportunities to incorporate biodiversity improvements in and around developments should be encouraged.
- 7.7.2 The application is accompanied by an Ecology appraisal. The report includes results from further surveys for reptiles, great crested newts, water vole, otter and bat emergence surveys as well as a Phase 1 habitat survey. The Appraisal concludes that no statutory or non-statutory designated nature conservation sites will be affected by the proposed development. The Appraisal also concludes that the presence of GCN

has been discounted and that this species is not considered to represent a constraint. A small population of grass snake have been recorded at the northern boundary of the site and best practice methods are recommended to minimise the risk of harm to this species.

- 7.7.3 No. 12 Broad Piece has been confirmed to support a low status common pipistrelle roost and to allow demolition a licence from Natural England would be required. The Appraisal concludes that in this case a Low Impact Class Licence is considered most appropriate. As the presence of water vole within a drainage ditch at the north boundary was confirmed during the survey in 2015, and if works are to come within 5m of this habitat, further survey is recommended, and localised works may require under licence from Natural England. No effects to other protected species such as birds or badgers are considered likely to be significant and the proposals provide ample opportunities for biodiversity gain.
- 7.7.4 Natural England have advised that they consider the proposal will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 7.7.5 The County Wildlife Trust have advised that they are content with the conclusions of the Ecology Appraisal subject to conditions. They initially were not satisfied that potential recreational impacts on nearby Qua Fen Common could be ruled out on the basis of the size and location of the development. They advised that, there are a number of existing and proposed developments in Soham, and the cumulative impacts of all of these (regardless of size) on existing open spaces must be taken into account. If new alternative open spaces do not provide sufficiently attractive recreational opportunities for new residents, then they will travel to existing more attractive sites within easy driving distance such as Qua Fen Common and Wicken Fen. Therefore, the design of the on-site open spaces will need to provide an attractive destination, including significant areas of semi-natural habitat, and links with existing rights of way to allow for circular walks, which should be at least 2.5km and ideally up to 5km to encourage use for dog walking. Should permission be granted, the applicant should provide further detail on how this will be achieved.
- 7.7.6 In response to this the applicant has agreed to make appropriate financial contributions towards the delivery of measures identified in the 'Soham Commons Biodiversity and Access Enhancement Study', recently prepared by Footprint Ecology. The purpose is to ensure that increased visitor pressure from people and dogs will not have an adverse impact on the Commons and Soham Wet Horse Fen SSSI. A contribution would need to be secured by s106 legal agreement and landscaping, biodiversity improvements on the development would be secured by condition. This approach is supported by Natural England.
- 7.7.7 In response to the comments of the Wildlife Trust regarding net gains in biodiversity and the lack of an assessment of measurable net gains, the applicant submitted a Biodiversity Impact Assessment calculator. The Wildlife Trust were satisfied that this demonstrates that a small net gain in biodiversity should be achievable on this site based on the indicative layout shown. A Landscaping and Ecological Management Plan setting out details of mitigation, habitat creation, and long-term management measures to achieve the target conditions for created habitats, in line with the BIA calculator would be required.

- 7.7.8 The Natural Environment SPD contains various policies which will need to be satisfied. The applicant has responded to this document within the provision of a Natural Environment Statement, which demonstrates compliance with the SPD, to the satisfaction of the Wildlife Trust, including a financial contribution to mitigate any impact from increased recreational pressure on Broad Piece and Soham Commons, as set out above, in line with the Soham Commons Recreational and Biodiversity Enhancement Study.
- 7.7.9 As a result of the requirements of policy SPD.NE6, the applicant has increased the biodiversity net gain and the Wildlife Trust are now satisfied that biodiversity net gain of 10%, can be provided. Given all the above, it is considered that the proposal complies with policy ENV7.
- 7.7.10 The application is supported by a Tree Survey, Tree Report and Arboricultural Impact Assessment. The site contains a mix of tree categories and in the main these run around the boundary of the site and will be retained and improved. The only exception is the Category B tree situated within the garden of Number 12 which will be removed to provide the access. As required by Policy SPD. NE7 the loss of the tree will be compensated for with replacement planting in accordance with the six Tree Planting principles. The layout will also allow ample opportunity for new tree planting. The Tree Officer is content with the impact on any trees and hedges on the site.
- 7.7.11 The proposal therefore complies with policies ENV7, ENV14 and the Natural Environment SPD.

## **7.8 Other Material Matters**

- 7.8.1 Education – CCC have requested contributions for education and libraries and Life Long Learning. These were initially disputed by the applicant but it has since been agreed that contributions will be made for early years, primary and secondary in line with the 2019 LA Scorecard costs, with regional adjustment for Cambridgeshire. These will be secured by S106 together with a contribution for Libraries and Life Long learning.
- 7.8.2 Affordable housing and self build – The application does include provision for 30% affordable housing and 5% self build plots both of which comply with policy HOU3 and HOU1. The affordable housing provision is in excess of the level of provision recommended within the Councils Viability Assessment Report 2019, (20%).
- 7.8.3 In accordance with Policy ENV 4 of the Local Plan, and the Climate Change SPD, the developer has submitted an Energy and water conservation Statement which concludes that the development will provide for a 10% carbon reduction, materials will be chosen which have a lesser environmental impact, the environmental impact of the proposed build specification is BRE Green rated, the detailed design of the scheme will have energy efficiency measures to shrink the sites total energy demand and encourage solar gain through the layout. Finally, they seek to reduce the volumes of waste generated on site through reuse and recycling.

**8.0 Planning Balance**

- 8.1 Notwithstanding the fact that the Council can demonstrate a 5 year housing land supply, the provision of up to 175 additional dwellings weighs in favour of the development as does the provision of 30% affordable housing, which is in excess of the level of provision recommended within the Councils Viability Assessment Report 2019, (20%). 5% of the dwellings will be self build which is also a benefit but is nevertheless policy compliant.
- 8.2 Construction works would create employment and the provision of housing would increase spending to benefit the local economy. Again, these weigh in favour of the proposal.
- 8.3 Biodiversity net gain will be achieved which would have some limited benefit.
- 8.4 However the proposal conflicts with the locational strategy of the Local Plan, as set out within policy GROWTH2 and does not meet any of the defined exceptions within that policy. The development plan is the starting point for decision making. The NPPF states that where a planning application conflicts with an up to date development plan, permission should not usually be granted. The NPPF states that decisions may be taken which depart from an up to date development plan, but only if material considerations indicate that the plan should not be followed. Thus, the conflict with Policy outweighs any planning benefits of the scheme or any other material considerations.

**9.0 COSTS**

- 9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 9.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 9.3 Members do not have to follow an officer recommendation indeed they can decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 9.4 In this case members' attention is particularly drawn to the following points:
- 9.5 The unacceptable development in the countryside. Conflict with Local plan policy and no materials considerations indicate that the Plan should not be followed.

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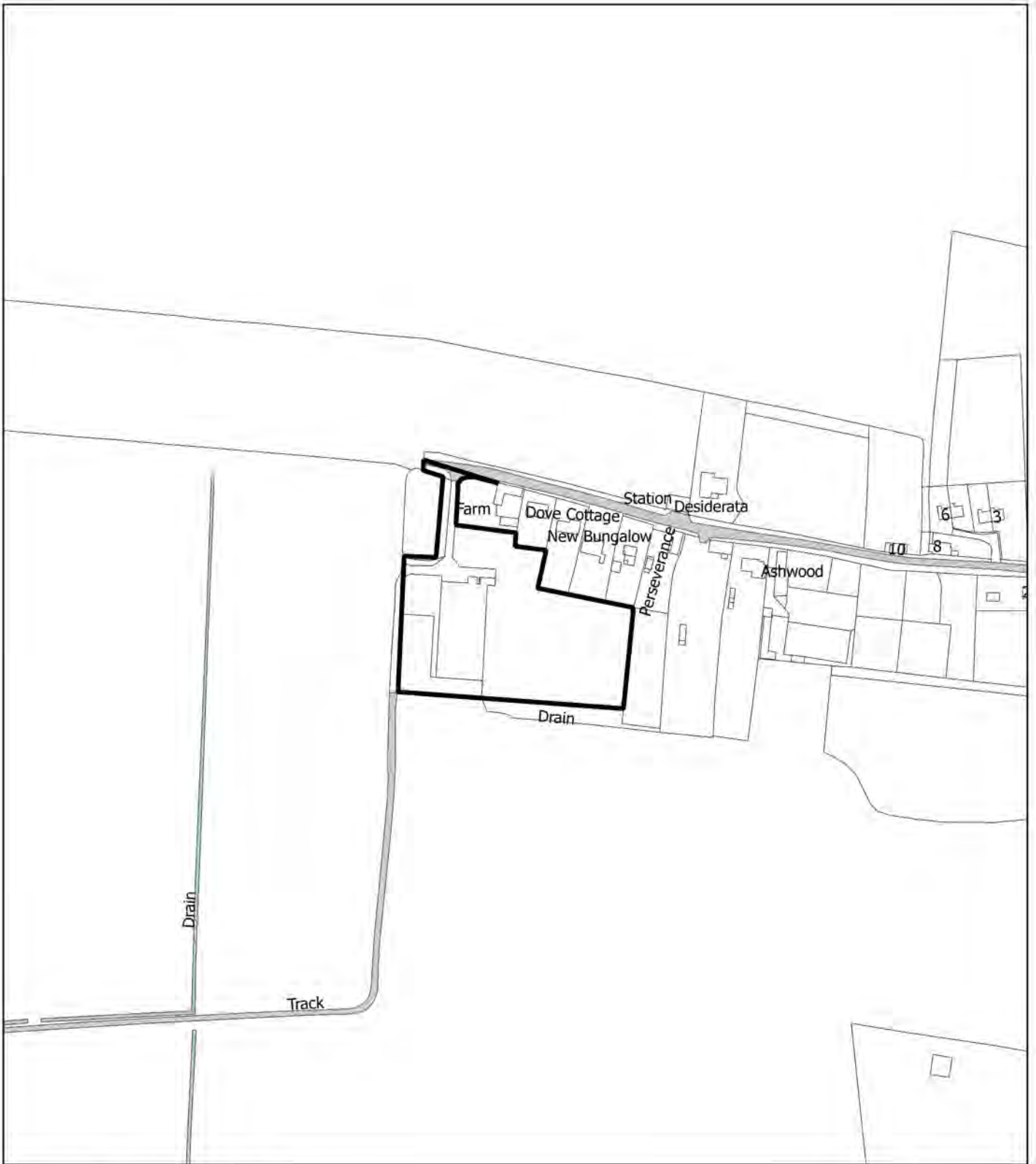
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/00717/OUM 19/01729/FUL	Barbara Greengrass Room No. 011 The Grange Ely	Barbara Greengrass Planning Team Leader 01353 665555 barbara.greengrass @eastcambs.gov.uk

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>



19/01342/VAR

College Farm  
Main Street  
Wentworth



East Cambridgeshire  
District Council

Date: 16/02/2021  
Scale: 1:3,500



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**MAIN CASE**

**Reference No:** 19/01342/VAR

**Proposal:** To remove Condition 8 (The development hereby permitted consists of solely self-build dwellings as defined in the Custom Housebuilding Act 2015) of previously approved 18/00840/OUT for All matters reserved except access for the redevelopment of the farmyard, buildings and associated land for up to 6 self build plots.

**Site Address:** College Farm Main Street Wentworth CB6 3QG

**Applicant:** Agreserves Limited

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

**Parish:** Wentworth

**Ward:** Sutton  
 Ward Councillor/s: Lorna Dupre  
 Mark Inskip

**Date Received:** 17 September 2019      **Expiry Date:** 9 April 2021

V138

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1.0 **RECOMMENDATION**

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

1. Approved Plans
2. Matters Reserved
3. Timeframe for Commencement
4. Sustainable Development Strategy
5. Biodiversity improvements
6. Surface/Foul Water Drainage
7. Archaeological Work
8. Passing Bays
9. Access Drainage
10. Access Details
11. Internal Road Layout
12. Fire Hydrants

- 13. Construction Environmental Management Plan (CEMP)
- 14. Construction Times/Deliveries
- 15. Potential Contamination
- 16. Unexpected Contamination

## 2.0 SUMMARY OF APPLICATION

2.1 Planning permission 18/00840/OUT for 6 self builds was approved at planning committee on the 24 September 2018. This variation seeks to remove the requirement to provide self build units as specified by condition 8 of the permission, as there has been no interest in self build units on this site. However, the developer is offering to pay for an off site contribution in regards to providing affordable housing given the change in practice, endorsed by Planning Committee on the 2<sup>nd</sup> October 2019, to comply with the NPPF, in relation to affordable housing provision as the site is over 1 hectare, which stated:

“Accordingly, for the purpose of whether or not, in principle, the Council will seek affordable housing on a site, a decision maker is expected, in most instances, to seek an affordable housing contribution under the following example circumstances:

- where a proposal is for 10 or more dwellings; or
- where the proposal is an outline application on a site over 0.5 hectares, and it is not known how many homes will be provided on the site; or
- where the proposal will create a total internal floorspace of 1,000 sq m or more (and for the purpose of calculating this area, the Council will use the same floor area as determined to be liable for CIL purposes);
- or where the site is 1 hectare or more, irrespective of the number of dwellings to be provided.”

- 2.2 The loss of the requirement to construct self builds and the addition of an affordable housing contribution are the only changes to this proposal.
- 2.3 The application has been called in to Planning Committee by Cllr Dupre in order for the Planning Committee to weigh the loss of self build units against the gain of affordable housing contribution. Cllr Dupre’s full comments are detailed below under responses from consultees.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

## 3.0 PLANNING HISTORY

- 3.1
- |              |   |          |            |
|--------------|---|----------|------------|
| 18/00840/OUT | All matters reserved except access for the redevelopment of the farmyard, buildings and associated land for up to 6 | Approved | 25.09.2018 |
|--------------|---|----------|------------|



self build plots.

17/01559/OUT	Outline application with all matters reserved except access for the redevelopment of the farmyard, buildings and associated land for up to 6 self build plots	Refused	19.12.2017
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#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site has a country track that connects onto Haddenham Road to the west but the main entrance to the site is via Main Street.
- 4.2 Main Street is a single track lane, that has several Tree Preservation Orders (TPO) either side of the road. There is also a TPO in the small copse of trees adjacent to the site entrance.
- 4.3 The site is defined by a large barn structure with the rest of the site defined primarily by wild grasses. To the north of the site are the existing dwellings along Main Street, while open countryside is located to the south and west of the site.
- 4.4 The site measures 1.24 hectares/3 acres.

#### 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.

##### **Wentworth Parish Council – 27 January 2021**

“With reference to the above Planning Application, the Wentworth Parish Council write to voice their robust rejection of the Variation. The only acceptable outcome for Wentworth is for the proposed changes to be met with OUTRIGHT REFUSAL.

The original planning application was resoundingly rejected by Parishioners, the Wentworth Parish Council, District Councillors, and County Councillors. It was only the East Cambs. Planning Team and the Planning Committee who felt that the proposal was acceptable, despite the proposal obviously failing many points within the Local Plan.

The original Planning Statement provided by the applicant focused heavily on why self-builds should be accepted on a plot that otherwise failed planning policy. The Planning Committee Report that subsequently recommended 'approval' specifically references "this development [...] provides much needed self-build plots ..." (Committee Report | 25th September 2018 | Agenda Item 11 | Section 7.8).

Market forces now validate that this was flawed reasoning, and that there is no demand for self-build plots in this location of Wentworth. The Parish Council find it totally unacceptable that the applicant should be allowed to change the core premise of the application simply because they have been unable to sell the plots. Approving this Variation would make a mockery of the planning process. It sets a dangerous precedent for developers to submit tenuous applications based on self-build, knowing that they can turn the site into commercial development at a future point.

The Parish Council are overly concerned that this Variation, and the sale of the land for commercial development, could lead to further applications to increase the number of houses on site. If - despite collective and continued objections - the Committee decision is to 'approve' the Variation, the Parish Council would request that a robust, legally enforced condition be implemented such that development on the site cannot exceed 6 properties”

**Ward Councillors** (Cllr Lorna Dupre) - 12 January 2021

“The officer report promoted the self-build nature of this application outside the development envelope as an argument in its favour, and at least one member of the Committee was persuaded that this was a merit of the scheme.

The argument that there was a 'need' for self-build properties in this location appears to have been mistaken, but may well have helped to persuade the Planning Committee to support the scheme. Agreeing to turn these into market homes because the Council has been offered a sum of money for offsite affordable housing would surely encourage future applicants to apply for self-build housing in order to persuade the Council of the principle of development, only then to turn round after the fact and contribute a relatively small sum to upgrade their permission into a more profitable scheme. We cannot believe that is a signal that this Council would wish to give.

We recognise the benefit that two affordable homes in an alternative location would offer, but believe that the Planning Committee should be asked to weigh this against the risk of opening up many more sites across the district to 'Trojan horse' self-build applications”

**Environmental Health** - 24 September 2019

“It doesn't look like our department was consulted during 18/00840/OUT but I have no comments to make regarding a variation to Condition 8.”

**Design Out Crime Officers** - 27 September 2019

“I have reviewed this Variation to Condition 8 and have no objections in regards to its impact on community safety or vulnerability to crime.”

**Environment Agency** - 30 September 2019

“We are returning this planning application consultation without comment because it is not clear why we have been consulted.”

**The Ely Group of Internal Drainage Board** - 30 September 2019

“The Board has no comment to make from a drainage point of view.”

**Local Highways Authority - 7 October 2019**

“As far as can be determined there is no alteration to the access and or highway proposed within this application. Therefore, the highways authority has no objections in principal to this application.”

**Housing Section - 7 October 2019**

“The Strategic Housing has no comment to make regarding the variation of Condition 8 as this site does not provide any affordable housing in line with Policy HOU3 of East Cambs Local Plan.”

**Housing Section – 5 October 2020**

“Thank you for your email and confirmation that we agree £244,950 is a reasonable open market price for a new build, two bedroom dwelling in Wentworth. Based on that assumption I have calculated that the loss of 2 x 2 bed dwellings would generate a commuted sum payment of £210,120 to be paid to the council and ring-fenced to deliver affordable housing elsewhere within the district of East Cambridgeshire.

Please see below the commuted sum calculation:

Open market dwelling for a two bed house: £244,950  
RP offer for a 2 bed rented dwelling: £135,750  
RP offer for a 2 bed Shared Ownership: £153,750

Compliance with East Cambs tenure requirement of 77% rented and 23% shared ownership:

Rented: £244,950 - £135,750 = £109,200 x 1.54 (77% of 2 dwellings) = £168,168  
Shared ownership: £244,950- £153,750 = £91,200 x 0.46 (23% of 2 dwellings) = £41,952

Total: £168,168 + £41,952= £210,120”

**ECDC Trees Team - 5 December 2019**

“While this application is for a variation previous comments ref 18/00840/OUT were made with reference to the TPO trees ref E/13/85.

There is one TPO tree indicated to be within the redline boundary of the proposed site, this is identified as T265 (Ash), T223 (Ash) is off site 4m from the boundary within the garden of the adjacent property. From the Arbtech report and Google Street view it would appear that T265 (Ash) is not distinguishable, it should be located within G1 identified in the Arbtech report.

From the detail provided it would appear that no TPO trees will be compromised, however G1 is significant in the rural character of the area and detail of the loss of any of these trees for improving the access will be required.”

**Cambridge Ramblers Association - No Comments Received**

**Asset Information Definitive Map Team - No Comments Received**

**Cambridgeshire County Council Education** - No Comments Received

**Parks and Open Space** - No Comments Received

**Waste Strategy (ECDC)** - No Comments Received

**NHS England** - No Comments Received

**Anglian Water Services Ltd** - No Comments Received

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

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

5.2 A site notice was displayed near the site on 10 October 2019 and a press advert was published in the Cambridge Evening News on 3 October 2019.

5.3 Neighbours – 20 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

**Vine Cottage, Main Street** – 1 October 2019

Seeks refusal for the following reasons:

- No effort has been made to sell the 6 self builds.
- No detail of the scheme.
- Agricultural barns still actively used.
- Inappropriate development within the village.

**Woodward, adjacent to Garwood Lodge, Main Street** – 9 October 2019

Objects to the proposal on the grounds of:

- Wentworth not able to sustain a housing development of this size.
- Detrimental increase in traffic, noise and pollution during and after construction.
- Highway dangers to those walking and cycling along Main Street.
- Might lead to future development.
- Proposal will lead to the loss of the ability to create bespoke homes.

**“Branksome” Church Road** – 17 January 2021

Objects to the proposal on the grounds:

- Previous approval should be revoked.
- Community objected to this development.
- Harm to the rural character of the village.
- Council can now demonstrate a five year land supply.
- Proposal is no longer for self build as approved.
- Reasoning for previous approval was flawed.
- Either the applicant needs to advertise better or the plots are too expensive.

- Without prejudice if the scheme is approved the site should be legally limited to a maximum of 6 dwellings.

### **Churchfield Main Street – 18 January 2021**

Makes the following comments:

- Developer has not demonstrated that it has actively marketed the site.
- Agrees with Cllrs Dupre and Inskip that a negative precedent would be set should this application be allowed.
- The proposed dwellings would be large and out of reach for young families. No smaller family homes are being provided within the village.

### **Finlaggan, Church Road – 20 January 2021**

Objects to the application on the following grounds:

- Original permission had strong opposition.
- Lack of proper advertisement of the self build plots.
- Main Street not designed for this level of traffic and proposal is out of proportion to the village.
- Lack of services within the village.
- Proposal would be to the detriment of the welfare/living conditions of the local residents.

### **Longacre Main Street – 22 January 2021**

Raised the following concerns:

- Proposal risks setting a precedent of allowing more profitable developments.
- Proposal might lead to building more smaller properties.
- Main Street is in a poor condition with the grass verges badly damaged.

### **College Farm, Main Street – 10 February 2021**

Objects to the proposal on the following grounds:

- Lack of advertisement for the self builds.
- Would set a dangerous precedent.
- Level of traffic on Main Street.
- Harm to their residential amenity caused by loss of view, overlooking and traffic.
- Could damage their property.
- Harm caused by construction traffic.
- Harm to the character of the area.
- Harm to biodiversity, specifically bats.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

#### GROWTH 2      Locational strategy

GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
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  
 Cambridgeshire Flood and Water  
 Contamination  
 Developer Contributions  
 Natural Environment  
 Climate Change  
 Custom and Self Build

## 6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 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

## 7.0 PLANNING COMMENTS

### 7.1 Principle of Development

7.2 When planning application 18/00840/OUT was determined by Planning Committee the Council could not demonstrate a five year land supply. This permission remains live with the ability to submit reserved matters within three years from the date of the approval which expires in September 2021. If this variation was to be approved it would not extend the lifetime of the application.

7.3 While the Council can now demonstrate a five year land supply the extant application on the site is a significant material consideration; on this basis it would be unreasonable to refuse the application on the basis of principle, given the site benefits from an extant permission for 6 dwellings.

### 7.4 Removal of Self Build requirement

- 7.5 Planning application 18/00840/OUT provided the merit of providing space for 6 self build residential units and this was granted material weight in recommending approval of this application.
- 7.6 Policy HOU1 only requires self builds on schemes of over 100 dwellings, it should be noted that with larger schemes there is often a method for a developer to build general market homes if there is no interest in the self builds (within a set period of time) and this is secured by the s106 Legal Agreement. The other way most self builds have come forward is via single dwellings on in-fill plots or on the edge of settlements. Positive weight was attributed when assessing the previous proposal, to the provision of self builds on a smaller site that could deliver 6 dwellings.
- 7.7 This application seeks to remove this requirement, which should be granted weight against the application. However, the developer has continued to provide statements since the application was validated on the 17 September 2019 that there was no interest in self builds on this site despite marketing with three different property agents. Given the length of time with no purchase(rs) on this site, the loss of self builds is only given minor weight against the proposal.
- 7.8 It should be noted that some of the information submitted is commercially and/or personally sensitive and has been kept confidential on this basis. It is accepted that the land value has been professionally considered and that there has been a lack of interest for the self build plots.
- 7.9 Following the change in practice, as set out in paragraph 2.1 of this report, all major developments (over 1 hectare, excess of 1,000sqm of floorspace or more than 9 dwellings) are required to provide affordable housing. This site measures 1.24 hectares/3 acres and on this basis is now expected to provide affordable housing in accordance with the 'Statement on the Seeking of Affordable Housing Developer Contributions', endorsed by Planning Committee on the 2<sup>nd</sup> October 2019. Policy HOU3 would require 30% provision (1.8 dwellings) to be provided, which is rounded to the nearest number and thus this site needs to provide 2 affordable dwellings.
- 7.10 The developer has agreed to pay an off site contribution of £210,120, which will be secured as part of a S106 Agreement. This contribution is based on providing 2 affordable dwellings, one rented and one shared ownership off site. This is an additional cost to the developer, though is required in order to reflect the updated requirements of affordable housing contributions as set out above.
- 7.11 It is considered that on balance the public benefit of this proposal at worst remains neutral and on this basis, it would be unreasonable to refuse the application, given that the site was assessed as acceptable for the provision of up to 6 dwellings previously and has an extant permission. The proposal complies with policies GROWTH5, HOU1 and HOU3 of the Adopted Local Plan.
- 7.12 Other Material Matters
- 7.13 There are no other changes to the proposal, aside from the removal of condition 8 (which secured the dwellings as self build) and it is recommended members refer

to the officer report for application 18/00840/OUT (appendix 2) and minutes of the Planning Committee (appendix 3).

- 7.14 The reasons for the conditions would need to be updated to reflect the changes in policies since the 25 September 2018.
- 7.15 Residents have raised concerns in regards to housing mix and the number of dwellings. The proposal is not seeking to increase the number of dwellings, which remain up to 6 units and therefore the principle remains the same. Any additional housing would require a separate application and any additional market dwellings would be resisted while the Council can maintain a five year land supply. In regards to housing mix, policy HOU1 only requires an appropriate mix on sites of 10 or more dwellings; so does not apply to this proposal.
- 7.16 While members of the public have raised other concerns, these have been previously covered under the original outline consent and were assessed and discussed as part of the previous committee decision. It would be unreasonable to re-assess other previously agreed details that this variation request does not impact upon, when there is an extant permission on the site.
- 7.17 It should be noted that the new Natural Environment SPD would require that in any future landscaping scheme which is required as part of the reserved matters application that additional trees are planted and that the details submitted to discharge condition 5 of the permission which relates to biodiversity improvements leads to a substantial net gain in biodiversity.
- 7.18 Planning Balance
- 7.19 In terms of the planning balance, the loss of self build units on this site is considered to be a minor negative weight. The new public benefit of an affordable housing contribution is considered to be a positive weight and it is considered that the merits of the proposal outweigh the identified harm.
- 7.20 It is therefore recommended that members grant delegated approval, subject to the recommended conditions and the completion of a S106 Agreement to secure the affordable housing contribution.

## 8.0 APPENDICES

- 8.1 Appendix 1 – Recommended Conditions  
8.2 Appendix 2 – Committee report for planning application 18/00840/OUT  
8.3 Appendix 3 – Minutes from Planning Committee

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/01342/VAR	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Planning Team Leader 01353 665555
18/00840/OUT 17/01559/OUT	Ely	andrew.phillips@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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

## APPENDIX 1 - 19/01342/VAR Conditions

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

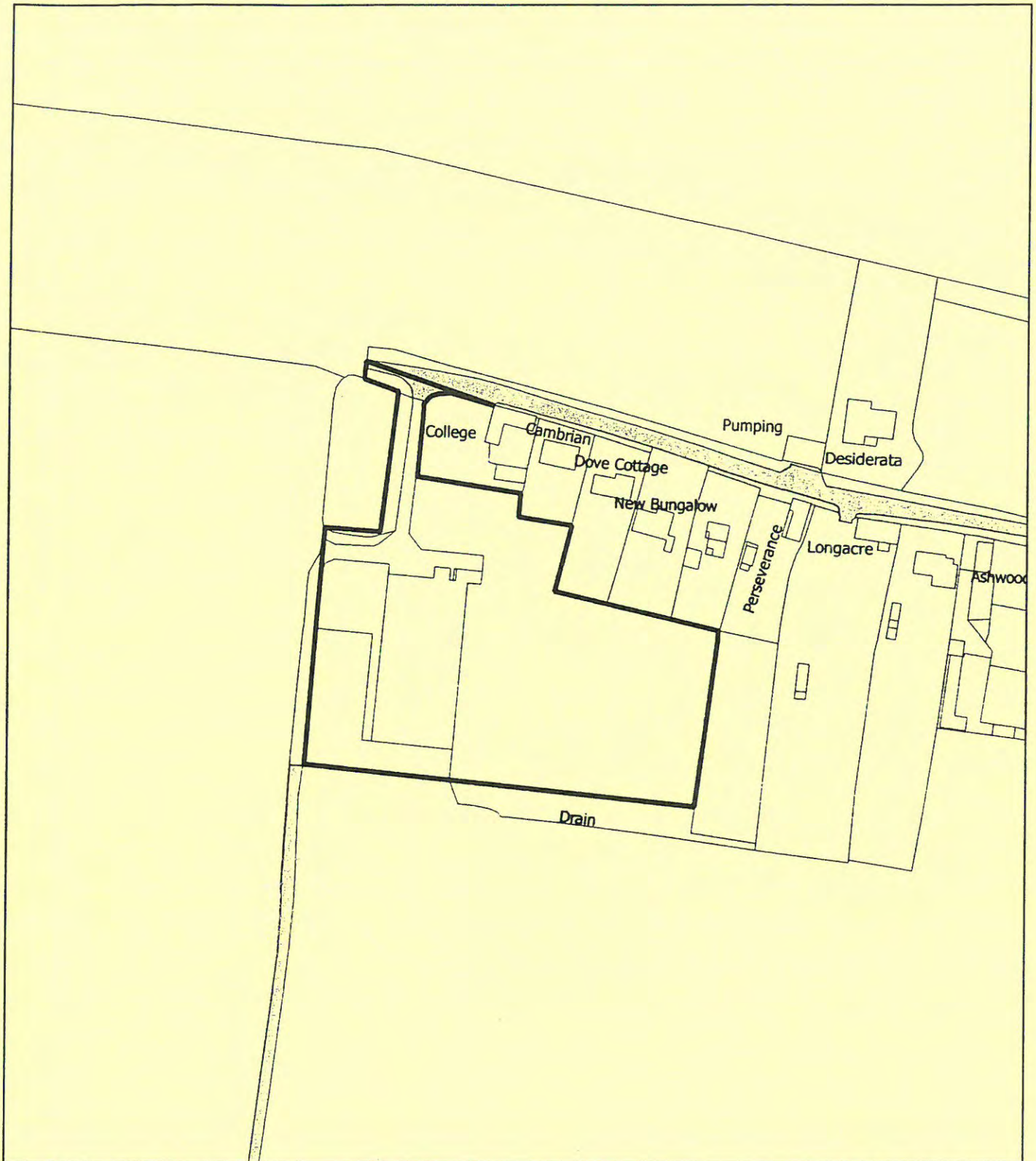
Plan Reference	Version No	Date Received
Location Plan		18th June 2018
6500-SK-002	C	7th August 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made no later than 3 years from the date of the original permission (18/00840/OUT).
- 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 Prior to or as part of the reserved matters application, an energy and sustainability strategy for that plot, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 4 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and the Climate Change SPD. This condition is pre-commencement as some of the measures may be below ground level.
- 5 Prior to first occupation of a plot 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 that plot of the hereby approved development and thereafter maintained in perpetuity.
- 5 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD.
- 6 No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation to which the scheme relates to.

- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 7 No development shall take place 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 Prior to first occupation of any dwelling the passing bay as shown on Section B of drawing number 6500-SK-002 Rev C shall be constructed to Cambridgeshire County Council specification.
- 8 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015. This is a Grampian condition, as the land in question is controlled by the Local Highways Authority.
- 9 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 9 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 10 The access shall be built in accordance with drawing number 6500-SK-002 Rev C prior to first occupation of any dwelling.
- 10 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 11 The first reserved matters application shall provide details of the entire road layout for all 6 plots.
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

- 12 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 13 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 13 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.
- 14 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours 08:00 - 18:00 each day Monday-Friday, 08:00- 13:00 Saturdays and none on Sundays or Bank Holidays/Public Holidays.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 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.
- 15 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.

- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 16 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.



18/00840/OUT

College Farm  
Main Street  
Wentworth



East Cambridgeshire  
District Council

Date: 07/09/2018  
Scale: 1:2,000



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**AGENDA ITEM NO 11****MAIN CASE**

**Reference No:** 18/00840/OUT

**Proposal:** All matters reserved except access for the redevelopment of the farmyard, buildings and associated land for up to 6 self build plots.

**Site Address:** College Farm Main Street Wentworth Ely Cambridgeshire CB6 3QG

**Applicant:** Agreserves Ltd

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

**Parish:** Wentworth

**Ward:** Haddenham  
**Ward Councillor/s:** Councillor Steve Cheetham  
 Councillor Mark Hugo  
 Councillor Stuart Smith

**Date Received:** 18 June 2018      **Expiry Date:** 13 August 2018

[T106]

**1.0 RECOMMENDATION**

**1.1** Members are recommended to approve the application, subject to the following conditions:

- 1 Approved Plans
- 2 Reserved Matters
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Sustainable development -General Outline
- 5 Biodiversity Improvements
- 6 Surface and foul water
- 7 Archaeology
- 8 Self Build
- 9 Passing bay
- 10 Access Drainage
- 11 Access construction
- 12 Road layout
- 13 Fire hydrants
- 14 Construction Environmental Management Plan (CEMP)
- 15 Construction hours
- 16 Potential contamination
- 17 Unexpected contamination

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks permission for 6 self build units at the end of Main Street that would involve the demolition of the existing barn on site. This is an outline application with only access seeking to be determined at this stage.
- 2.2 The application has been amended during the application to remove some of the passing bays in order to overcome concerns raised in regards to character and tree protection, in addition the developer has provided an updated statement on biodiversity.
- 2.3 An extension of time was requested to take it to the 24 September 2018 committee but the developer would only accept an extension of time to take it to the first September committee.
- 2.4 The application has come to Planning Committee as the local District Councillors are seeking to refuse the application and officers' recommendation is one of approval.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1
 

17/01559/OUT	Outline application with all matters reserved except access for the redevelopment of the farmyard, buildings and associated land for up to 6 self build plots	Refused	19.12.2017
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Planning application 17/01559/OUT has been appealed by the developer, but no Inspector has yet been appointed.

A planning application (17/00770/OUM) for 15 self build plots was submitted but withdrawn on the 26 July 2017.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site has a country track that connects onto Haddenham Road to the east but the main entrance to the site is via Main Street.



- 4.2 Main Street is a single track lane that has several Tree Preservation Orders (TPO) either side of the road. There is also a TPO in the small copse of trees adjacent to the site entrance.
- 4.3 The site is defined by a large barn structure with the rest of the site defined primarily by wild grasses. To the north of the site are the existing dwellings along Main Street, while open countryside is located to the south and west of the site.

## 5.0 RESPONSES FROM CONSULTEES

- 5.1 The full responses are available on the Council's web site.

Wentworth Parish Council – Seeks outright refusal on the grounds of:

- Is more supportive of barn conversion through Class Q if construction traffic comes from Haddenham Road and building footprint is kept the same.
- Seeks infill development not backfill.
- Outside development envelope.
- Proposal does not promote community cohesiveness.
- Proposal does not pay CIL and therefore will not help fund infrastructure improvements for the village.
- Proposal is an incongruous and isolated development.
- Greenfield land should be protected and other infill plots should be developed first.
- Harm to the rural openness of the site when viewed from the public right of way.
- Would urbanise the rural landscape.
- The 2015 Local Plan stated 11 new dwellings by 2031 and 12 properties have already gained planning permission.
- The character of Main Street is road fronting properties, backfill development is not in keeping.
- Impact on residential amenity for example noise, traffic and light pollution.
- Passing places are unacceptable.

(updated comments) No parishioners have requested passing bays and we do not feel it necessary for the village.

Additional passing bays will fundamentally change the traditional nature of the street and many increase speed limits.

Proposed passing bay still does not reference planning permission 17/00854/FUL, it will also effect street furniture.

Seeks refusal on this application.

Cllr Steve Cheetham – (17 July 2018) Supports Wentworth Parish Council in that 6 self build dwellings is unacceptable and should be outright refused.

The development is not appropriate for the village where only infill development is sought. We wish to promote village community through developing the centre of the village rather than building on the edges.

The proposal is outside of the village envelope.

Proposal does not comply with Paragraph 55 of the NPPF, as it will do nothing to promote community cohesiveness in the village.

This proposal would lead to approximately 20% increase along Main Street through backfill development.

The proposal would compromise an incongruous and isolated form of development that would harm the character and appearance of the local landscape.

Proposal would lead to the unnecessary loss of greenfield and if additional development is needed should be through infill.

Proposal would have a demonstrable and significant impact upon the openness of this village edge both from the Public Right of Way and the adjacent properties.

Proposal would lead to a significant and demonstrable harm to the character and appearance of the local area through urbanisation.

The Local Plan 2015 stated that the village will have 11 additional properties by 2031; already 12 have been approved. Seeks the Local Planning Authority to protect the village from ongoing uncontrolled growth.

Proposal goes against the pattern of development within the village.

Proposal will have a detrimental impact upon the residential amenity of nearby residents.

Passing Bays are not acceptable along Main Street.

Cllr Mark Hugo – (17 July 2018) Completely occurs with Cllr Cheetham.

Historic Environment Team – (2 July 2018) States the site is within an area of high archaeological potential and seeks a pre-commencement condition.

Tree Officer – (12 July 2018) States that there is a number of protected trees along Main Street that are potentially impacted upon by the additional passing bay and a small group of trees impacted at the site entrance.

While an Arboricultural Constraints Plan has been submitted objects to the proposal as the impact has not been fully assessed.

The passing bays to improve traffic flow have been sited adjacent protected trees and advises amendments to reduce the impact upon the trees.

If no revision is submitted developer will need to demonstrate how the trees are to be protected.

(6 August 2018) Looked at the drafted plans from the developer and stated they should be ok.

Local Highways Authority – (11 July 2018) It has no objection to this proposal. If the trees are affected then the construction and methodology must be agreed with itself.

Seeks conditions in regards to provision of passing bays and turning and parking within the site.

(20 August 2018) It has no objection in principle to this application and proposed passing bay should be conditioned in accordance with drawings.

Waste Strategy (ECDC) – (26 June 2018) It is likely that the roadway will not be adopted and this might cause problems with collection points.

East Cambs will not enter private property and the proposal must comply with RECAP Waste Management Design Guide (residents should only move a wheeled bin a maximum of 30 metres).

Provides standard advice on bin provision.

Infrastructure & Strategy Manager - ECDC - No Comments Received

Asset Information Definitive Map Team - No Comments Received

CCC Growth & Development - No Comments Received

Cambridge Ramblers Association - No Comments Received

5.2 Neighbours – 20 neighbouring properties were notified and the responses received are summarised below. In addition a site notice was put up on the 2 July 2018 and a notice put in the press on the 5 July 2018. A full copy of the responses are available on the Council's website.

Churchfield Main Street – (4 July 2018) Occupants oppose the proposal on the following grounds:

- Application relies heavily on the lack of 5 year housing supply. The proposal goes against both the local people and Council's long term plans.
- Reiterates ECDC's earlier refusal at Sunny Acre Main Street (17/01370/OUT) where five dwellings were refused on urbanising impact to the detriment of the village character.
- The passing bays are unacceptable as it would change the nature of the village, which is defined by a single track rural road for a small community.
- Passing bay 3 will be outside their home which would lead to more traffic stopping and starting in front of their property. It is also placed on a bend, which will lead to reduced visibility.
- Passing bays will add to surface water risk, which might impact on an ancient wall.
- More road and less green verge will harm bee population.
- The proposed dwellings will detrimentally harm village character.

Cambrian Cottage Main Street – (17 July 2018) The application should be refused on the following grounds:

- Outside of the development envelope.
- Live next to the site and proposal would detrimentally harm their residential amenity due to (but not limited to) construction noise, additional traffic, loss of privacy and light pollution.
- There are 49 properties in Wentworth. 12 already approved and a further 6 would lead to an unacceptable increase in the size of the village.
- Not in keeping with the villages character or rural setting.
- No detail of layout or location of the 6 plots.
- Construction work could be over a long period of time.
- Main Street is a narrow single track road with limited passing bays.
- The proposed passing bays would harm the rural street setting.
- No footpath along Main Street, proposal could harm pedestrian safety.
- Limited street lighting, again concern for pedestrian safety.
- Site is mainly a greenfield and a wide range of animal species that use it.

3 Church Farm Close – (18 July 2018) Recommends outright refusal on the grounds of:

- Outside of development envelope. Unclear why this site was not put forward in the recent call for sites. The plan suggests infill rather than backfill.
- The Local Plan 2015 stated that Wentworth would provide 11 homes by 2031 and already 12 additional properties have been granted approval.
- Main Street is narrow single track road with limited passing bays and no room for a pedestrian footpath.
- Proposal will increase risk to pedestrian safety.
- No CIL is payable due to nature of self build plots.
- Submitted ecology survey does not accurately reflect the site.
- Proposal will lead to a large increase in traffic using Main Street and it is already difficult to join A142.
- With no public transport in the village, only unsustainable methods can be relied on.
- Detrimental impact to character of local area.
- Building on Greenbelt.
- Need to ensure that adjacent properties are not overlooked.
- Local Primary School is full.
- Is not sure if sewer system can cope with proposal.
- Would rather the developer went down the barn conversion route.
- All construction traffic should enter the site from Haddenham Road.
- Any agreed development should be limited to the footprint of the existing buildings.

Vine Cottage Main Street – (16 July 2018) The inability for the Council to demonstrate a 5 year housing supply is once again blighting people's lives in Wentworth.

Seeks that the application is refused outright on the grounds of:

- Application is similar to what was refused last time.

- Already 12 applications in village, additional growth would not be fair for such a small village.
- Site is outside village envelope.
- Detrimentially alter the feel of the village and cause light pollution.
- No public or community services within Wentworth to support the proposal and therefore reliance on unsustainable transport options.
- Self Builds do not pay CIL money.
- There is more suitable road frontage land available throughout the district.
- Under Class Q is interested to see if barn could be converted.

Cambrian Cottage Main Street – (16 July 2018) Objects to the proposal on the grounds of :

- Seeks replacement of barn or potential conversion (Class Q) of the barn for five dwellings but asks if this is a sensible use of a building in this location.
- The reduction from 15 units to 6 have been agreed in principle with East Cambs DC but it still unacceptable encroachment beyond the natural boundaries of the village. Thus causing harm to the rural character of the area.
- Additional passing bays are not currently necessary. If more are required then this shows the level of traffic generated. Main Street currently works as there is no through traffic and people maintain it. It is not just a matter of highway safety but also of village character.
- Development should be in the centre of the village not at the edge.

Finlaggan Church Road – (16 July 2018) Raises objections to the proposal on the grounds of:

- Will destroy views of nearby residents.
- Cause disturbance due to traffic (noise and pollution).
- Strongly opposed to development outside of the village envelope.
- Lack of detailed plans means each reserved matters will need to be carefully checked to ensure it is acceptable.
- No facilities beyond its Church. Proposal does nothing to enhance our community.
- Barn conversion appears lesser of two evils.
- Wentworth is a special character, as it remains a peaceful contained village. This proposal will turn the village into a generic Cambridge village.

(16 July 2018) Objects to the proposal on the grounds of:

- Ruin outlook.
- Harm to residential amenity due to noise and other disruptions.
- Increase in traffic will be immense.
- Wentworth has been able to maintain the beauty of a small village.

College Farm Main Street – (16 July 2018) Seeks outright refusal on the following grounds:

- Outside of the development envelope and allow for urban sprawl.
- Local Plan 2015 expected Wentworth to provide 11 dwellings by 2031, it has already provided 12 without spreading into the countryside.

- Village is mentioned in the Doom Day Book and the Council should offer protection from uncontrolled urbanisation.
- The character of Main Street is fronting dwellings not backland development.
- Proposal will do nothing to community cohesiveness in the village as required by paragraph 55 of the NPPF.
- View from the Fens will be significantly eroded, which is detrimentally harmful to the character of Wentworth.
- No details of the proposed housing and privacy issues will need to be checked each time a dwelling is submitted.
- Proposal will cause noise and light pollution to their property as well as traffic generation.
- Amount of traffic generated will cause detrimental harm to the character of the village.
- Still believes there is a significant concern to safety caused by construction traffic.
- If the application was approved under Class Q this should be via the back road to the site.
- Passing bay 1 is lined with mature trees. How will it be created without damaging the trees.
- Passing Bay 2 is close to protected trees and cannot see now it would be installed without damaging the trees.
- Passing Bay 3 appears to be built on a ditch.
- The substation passing place is frequently used for parking, so cannot be used as a passing place.
- Wentworth never requested the passing bays.
- Main Street is narrow and adds to the beauty of the village. Passing bays will reduce the tranquillity of the area and potentially introduce road safety issues.
- Disagrees with the Ecology report. The proposal will lead to the destruction of some of the foraging areas that bats use, as well as creating light pollution. Bat survey was done at the wrong time of year and should be done between May – September. Proposal has not accurately reflected impact on reptiles.

Perseverance Cottage Main Street – (14 July 2018) The occupants object to the proposal on the ground of:

- This backland development will lead to sprawl impacting on the character of the village.
- Should not be allowed to raise money for the developer.
- Sites that front Main Street should be developed.
- There are still ten properties to be developed in the village.
- No CIL money would be collected from this development.
- The Bat survey should be done again.
- The site benefits from a variety of wildlife.
- Provides corrections to the developers Planning Statement.
- No suitable busses to get to Cambridge or Ely.
- Access (right turn) onto the A142 is difficult and can take 5 minutes.
- Traffic study was done in mid July so will not provide an accurate reflection.
- Would rather see a barn conversion under Class Q.
- Construction traffic could damage their house as it has no foundations.

- Seeks construction traffic to be via Haddenham Road.
- Standing water is a significant problem in the village.
- No need for passing bays but does seeks a speed reduction to 20 mph.

Dove Cottage Main Street – (17 July 2018) Seeks outright refusal on the grounds of:

- Infill development is supported, backfill development is not.
- Development should be in the centre of the village not the outskirts.
- Outside of the development envelope.
- Proposal does not promote community cohesiveness.
- Proposal will contribute through CIL.
- Development is large when compared to the existing village size.
- Development would be incongruous and isolated.
- Greenfield land should be protected.
- Would damage the openness of this part of the village.
- Would lead to an urbanising impact and harm the character of the area.
- In the Local Plan 2015 the village was expected to provide 11 dwellings by 2031 and 12 have already been approved.
- Backfill development is out of keeping with the streetscene.
- Will harm residential amenity of adjacent properties.
- Passing bays along Main Street are unacceptable

## 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 1	Housing mix
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Design Guide  
 Cambridgeshire Flood and Water  
 Contamination  
 Developer Contributions

### 6.3 National Planning Policy Framework 2018

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

6.4 Submitted Local Plan 2017

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP18 Improving Cycle Provision
- LP20 Delivering Green Infrastructure, Trees and Woodland
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 Principle

7.2 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework (NPPF).

7.3 The key considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF taken as a whole, and against the policies within 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.

7.4 With the Council having very little brownfield, the vast majority of development is needing to be located on the edges of settlements. It is also considered better to be building on greenfield sites at this stage rather than reducing the Greenbelt in order



to build closer to Cambridge. The small loss of agricultural land is not considered to be detrimental, it is unlikely that this size of land will be used due to modern agricultural practices.

- 7.5 A shortfall in dwellings within an area greatly harms social and economic sustainability, as the area cannot provide a home for everyone or a strong local work force.
- 7.6 Without a structural survey it is unknown if the barns could be converted into dwellings under a prior notification process and in addition the contaminated reports present additional questions; therefore no weight is placed upon this argument as the barns have not been shown as being convertible and that is not the application submitted.
- 7.7 The village of Wentworth is very small described in the Submitted Local Plan as:  
 “Wentworth is a small village 5 miles west of Ely. The village is centered on St Peters Church. Within the vicinity of the church are a number of listed buildings. There are limited facilities within Wentworth, however, there is a children’s play area, and part of the church is used as a village hall/community room... There are no housing allocations in Wentworth. Any new housing, therefore, is likely to be built on suitable 'infill' sites within the village.”
- 7.8 The proposal is not an infill site but is replacing an existing relatively large barn on site and is on the edge of the village framework. It is noted that the Parish is isolated and does not have services beyond what the Church provides. Both existing and proposed houses within the village would be considered to be unsustainable in regards to the need to own private vehicles to access services, facilities and employment. However, this development is small and provides much needed self build plots that are usually only provided on the much larger housing schemes or come forward as one/two plots. In addition while the Council does not have a five year land supply, it is likely that all of the villages will need to take additional housing to help cover the current shortfall.
- 7.9 Paragraph 78 of the NPPF makes it clear that additional dwellings can help maintain the vitality of rural communities and that services can be located in a nearby settlement. In this case the neighbouring villages of Sutton and Witchford offer a range of services and facilities to the village of Wentworth.
- 7.10 On balance it is considered that the proposal is of a suitable size within the village, though will be a substantial increase in the housing stock of such a small village. The need for additional housing in this case outweighs the unsustainable location of the village and on this grounds is considered to be acceptable in principle.
- 7.11 Highway Safety
- 7.12 The proposal for 6 dwellings will provide little additional traffic along Main Street. While it is likely that each dwelling will have two cars, they are very unlikely to leave or enter the site at the same time.

- 7.13 The developer has stated that there will be an approximate increase in 5 vehicle movements at peak times along Main Street, which is a very minor increase.
- 7.14 It is noted that currently Main Street is a narrow lane, which has limited passing spaces. The developer is seeking to provide one additional passing bay near 1 Main Street. The proposed passing bay will be adjacent to an approved driveway for a new dwelling (17/00854/FUL) but should not interfere with this driveway.
- 7.15 There have been many concerns raised in regards to increasing the width of the lane, while it would be prudent to increase the road width in this one place it is not fundamentally needed to make the development acceptable but would certainly ensure that the development does not effect the flow of traffic along Main Street. A Grampian condition for the provision of the passing bay will be added, but if members consider this unnecessary then the condition could be removed. With the low level of predicted traffic, the passing bay might not need to be tarmacked and instead a grasscrete material could potentially be used; though this will under the control of the Local Highways Authority.
- 7.16 The proposed entrance to the site measures 5m in width with 0.5m verges either side and is designed to shared surface principles. While this is 1m below the usual width, no concern has been raised by the Local Highways Authority and with the low predicted number of car movements the case officer is in support of this view. Conditions should be added to ensure the developer complies with the submitted details and to ensure the whole road layout is provided in the first reserved matters application.
- 7.17 It is considered that sufficient parking for cars and cycles could be provided on each of the plots if reserved matters where to be submitted.
- 7.18 There is a Public Right of Way (PRoW) that starts at the end of Main Street and continues westwards away from the site. It is very unlikely that the proposed development will have any impact on the public footpath, as the traffic exiting the site will turn right (eastwards).
- 7.19 The proposal is considered to comply with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 7.20 Self Build Plots
- 7.21 The Local Planning Authority seeks to provide a wide range of housing types in order to provide homes for all of society; this usually includes housing mix, affordable housing but also includes self build units.
- 7.22 The proposed 6 self build plots could either be constructed individually or be bought by a group who all want to build their own homes.
- 7.23 The benefit of self build units is that each house is individually tailored to the needs of the person(s).
- 7.24 The provision of self build units rather than a generic development is to the merit of the application.

- 7.25 Visual Impact
- 7.26 This application is not determining scale, layout, design or landscape. It is only possible to consider potential impacts at this stage and whether the scheme could be successfully designed.
- 7.27 The proposal seeks a density of 5 dwellings per hectare (gross) or 2 dwellings per acre (gross). This density will ensure that the proposed dwellings are of a similar, if not slightly lower, density to those nearby on Main Street. The density of the scheme is, therefore, in keeping with the local area.
- 7.28 The site has a barn that takes up approximately 1/4 to 1/3 of the site, it is likely that the built form on the site will not dramatically increase, so the impact to the rural character of the area will be relatively minor. It is expected at this stage that the reserved matters applications will be of a rural appearance, potentially barn conversion style, but any design that enhances the character of the area should be looked favourably on. So while the development is back land development it is also replacing existing built form and is not an individual dwelling, as it would form a comprehensive development.
- 7.29 The proposal will lead to the loss of some trees due to the widening of the entrance road but these can be easily mitigated against by planting additional trees along the boundary; this can be secured at reserved matters.
- 7.30 The height of any of the proposed dwellings will unlikely be a problem from visual grounds, as the houses along Main Street are all two storey and it is unlikely anything taller would be permitted on this application site as it would likely cause residential amenity concerns.
- 7.31 The Council's Tree Officer has carefully considered the impact on the trees along Main Street and has concluded there will be no detrimental impact.
- 7.32 Private views are not a material consideration and hold no weight in the determination of this application. It is also unlikely that much of the development will be viable from the PRow as the existing trees will block close views of the site and additional planting could be used to reduce longer distance views.
- 7.33 The proposal is considered to comply with ENV2 of the East Cambridgeshire adopted Local Plan April 2015 and LP22 of the Submitted Local Plan 2017.
- 7.34 Historic Environment
- 7.35 It is accepted that Main Street is a historical lane that has not been altered dramatically and does remain a traditional lane rather than a modern street. While it is not in itself a historical asset, its historical style is of importance. However, it should be noted that the addition of one relatively small passing bay will not detrimentally affect the overall character of the street. In addition the public benefit from the provision of 6 dwellings would outweigh the minor harm to the character of the area.

- 7.36 In connection with a concern raised by neighbours; it is accepted that older houses do not have foundations and that large vehicles might cause vibration. However, if this traffic was on the public highway the same could be caused by large farm vehicles. This is not considered to be a reasonable objection to withhold planning permission.
- 7.37 Residential Amenity
- 7.38 The proposal is a very low density scheme it should therefore be possible to design the 6 dwellings to ensure there is no detrimental overlooking, loss of light or overbearing impact to both existing and the proposed dwellings. The proposal will also need to comply with the requirements of the Design Guide.
- 7.39 It is understood that the development might cause some disturbance to residents and with a single width lane there is a reasonable concern that large vehicles might block the highway. However, conditions can be added to ensure that the developer has to provide a Construction Environmental Management Plan (CEMP) and keep construction work within set socially acceptable time periods.
- 7.40 It should be noted at this stage that construction traffic is more likely to use Main Street, then coming off Haddenham Road due to the 60 mph speed limit of this road. However, it will be for the CEMP to demonstrate that the safest reasonable option has been pursued.
- 7.41 The CEMP also needs to demonstrate that there will be no floodlighting, unless absolutely necessary for health and safety reasons in order to further protect residential amenity.
- 7.42 With the demolition of a barn being required and the developer's own report suggesting additional surveys during construction; it is considered advisable to add the Authority's standard contamination conditions on.
- 7.43 Proposal is considered to comply with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and LP22 and LP26 of the Submitted Local Plan 2017.
- 7.44 Ecology
- 7.45 With Ecology concerns raised during the determination of this application, the developer provided an additional biodiversity survey carried out on the 7 August 2018 in order to update those carried out in 2017. The ecologist stated there was no evidence of badgers, barn owls or bats using the site and the site is not suitable for reptiles or nesting birds.
- 7.46 The loss of some trees to form the entrance to the site is considered to cause negligible harm to biodiversity.
- 7.47 The provision of landscaping at reserved matters and a condition to provide biodiversity enhancement should ensure that the proposal adds to biodiversity rather than harming it. It is expected that the biodiversity enhancement measures

will include nectar rich planting, native hedges, hedgehog holes in fences and a range of bird/bat boxes.

- 7.48 The proposal is considered to comply with ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 7.49 Flood Risk and Drainage
- 7.50 The site is in Floodzone 1, which is where development should be located.
- 7.51 In order to ensure that the proposal does not have any detrimental impact on surface water or water quality, conditions will need to be added to ensure that water is dealt with in appropriate manner.
- 7.52 Road water is matter for the Local Highways Authority and any road improvements would need to manage water run off. A condition should be added to ensure that the residential development does not drain onto the public highway.
- 7.53 The proposal is in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017
- 7.54 Other Material Matters
- 7.55 With the proposal being for self build units no Community Infrastructure Levy (CIL) money will be raised either for the District or Parish Council, but this is no different to any other single dwelling built as a self build project. The lack of CIL money does not weigh against the application.
- 7.56 With the size of the scheme it is considered reasonable to require energy improvements above building standards to ensure the proposal meets with the requirements of sustainable development in accordance with policies ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017.
- 7.57 RECAP guidance does not stop the Authority collecting waste/recycling by going onto private land; it in fact allows the collecting Authority to go 25m (for normal household sized bins) onto private property to collect bins. The proposed access will allow bins to be stored relatively close to the public highway, though it will be expected at reserved matters stage for an appropriate sized turning head to be provided to an adoptable standard.
- 7.58 Planning Balance
- 7.59 The Council is not able to demonstrate a continuous five year land supply. This means that a decision must be based on whether there is any significant and demonstrable harm that outweighs the benefits of the proposal. The lack of a five year land supply has a substantial and detrimental impact upon social and economic sustainability in an area, as there are limited homes for a workforce to occupy.

- 7.60 In terms of delivering a personal choice of high quality homes, there is no reason that the site could not be delivered within the next five year period making a contribution to the District's housing land supply which would be a benefit to which considerable weight should be given.
- 7.61 The Council has a register (for those seeking a plot) in accordance with legislation (The self-build and custom housebuilding act 2015) and has to provide land for those people seeking to build their own home. The proposal provides self-build homes to meet this need.
- 7.62 The negatives of the proposal are that it is outside (though adjacent to) the village framework and while the proposal is only for six dwellings this is a relatively large development for such a small village. The creation of back land development does go against the character of development along Main Street but this is mitigated against by the removal of the modern barn and existing built form on the site.
- 7.63 The provision of a passing bay is considered to be a neutral impact, as while it is being offered it is not fundamentally needed and will lead to some change to the character of Main Street.
- 7.64 The proposal is considered to meet the requirements of sustainable development as defined with the NPPF, specifically paragraph 78.
- 7.65 On balance this application is recommended for approval, as subject to conditions the benefits outweigh the identified harm.
- 8.0 **APPENDICES**
- 8.1 Appendix 1 – Recommended conditions

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/00840/OUT	Andrew Phillips Room No. 011	Andrew Phillips Planning Team Leader
17/01559/OUT	The Grange Ely	01353 665555 andrew.phillips@ea stcamb.gov.uk

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

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

APPENDIX 1 - 18/00840/OUT Conditions

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

Plan Reference	Version No	Date Received
Location Plan		18th June 2018
6500-SK-002	C	7th August 2018

- 1 Reason: To define the scope and extent of this permission.
  
- 2 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 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 Prior to or as part of the reserved matters application, an energy and sustainability strategy for that plot, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
  
- 4 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.
  
- 5 Prior to first occupation of a plot 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 that plot of the hereby approved development and thereafter maintained in perpetuity.
  
- 5 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
  
- 6 No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation to which the scheme relates to.

- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 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 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 The development hereby permitted consists of solely self-build dwellings as defined in the Custom Housebuilding Act 2015.
- 8 Reason: The applicant has requested that the development be undertaken in a phased manner for the purposes of CIL and the application has been determined on this basis.
- 9 Prior to first occupation of any dwelling the passing bay as shown on Section B of drawing number 6500-SK-002 Rev C shall be constructed to Cambridgeshire County Council specification.
- 9 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015 and LP17 and LP22 of the Submitted Local Plan 2017. This is a Grampian condition, as the land in question is controlled by the Local Highways Authority.
- 10 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 10 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 11 The access shall be built in accordance with drawing number 6500-SK-002 Rev C prior to first occupation of any dwelling.
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 12 The first reserved matters application shall provide details of the entire road layout for all 6 plots.



- 12 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 13 No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 13 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 14 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 15 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours 08:00 - 18:00 each day Monday-Friday, 08:00- 13:00 Saturdays and none on Sundays or Bank Holidays/Public Holidays.
- 15 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 16 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.

- 16 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 17 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.
- 17 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee  
held in the Council Chamber, The Grange,  
Nutholt Lane, Ely on Monday, 24th September 2018  
at 3.00pm

### **P R E S E N T**

Councillor Joshua Schumann (Chairman)  
Councillor Christine Ambrose Smith  
Councillor Derrick Beckett  
Councillor David Chaplin  
Councillor Paul Cox  
Councillor Lavinia Edwards  
Councillor Bill Hunt  
Councillor Mike Rouse  
Councillor Stuart Smith

### **OFFICERS**

Tim Driver – Planning Solicitor  
Oli Haydon – Planning Officer  
Chris Hancox – Planning Officer  
Catherine Looper – Planning Officer  
Janis Murfet – Democratic Services Officer  
Andrew Phillips – Planning Team Leader  
Rebecca Saunt – Planning Manager

### **ALSO IN ATTENDANCE**

Councillor Anna Bailey (Agenda Item No. 9)  
Councillor Julia Huffer (Agenda Item No's 10 & 12)  
Approximately 28 members of the public

#### **55. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Sue Austen and Mark Goldsack.

There were no substitutions.

#### **56. DECLARATIONS OF INTEREST**

Councillor Edwards declared an interest in Agenda Item No 6 (18/00531/FUL, Witcham Lodge, Headleys Lane, Witcham, CB6 2LH) saying that in the interests of openness, she wished it to be noted that one of the applicants was the Principal of the fee paying school which her granddaughter attended and for which she paid the fees. She stated that she had had no discussions with the applicants.

- Concerns regarding highway safety; and
- Concerns regarding pedestrian access to and from the site.

**65. 18/00840/OUT – COLLEGE FARM, MAIN STREET, WENTWORTH, CB6 3QG**

Andrew Philips, Planning Team Leader, presented a report (reference T106, previously circulated) which sought permission for 6 self build units at the end of Main Street that would involve the demolition of the existing barn on site. This was an outline application with only access seeking to be determined at this stage. The Planning Team Leader confirmed that it was only Councillors Cheetham and Hugo who had objected as Ward Members, and not Councillor Smith

The application had been amended to remove some of the passing bays in order to overcome concerns raised regarding character and tree protection; in addition, the developer had provided an updated statement on biodiversity.

The main entrance to the site was via Main Street, but it had a country track that connected onto Haddenham Road to the east. Main Street was a single track lane that had several Tree Preservation Orders (TPO) either side of the road and there was also a TPO in the small copse of trees adjacent to the site entrance. The site was defined by a large barn structure; to its north were the existing dwellings along Main Street and there was open countryside to the south and west.

It was noted that the application had come to Planning Committee because Ward Councillors Steve Cheetham and Mark Hugo were seeking refusal of the scheme and the Officer's recommendation was one of approval.

A number of illustrations were displayed at the meeting. They included a map, an aerial image outlining the site, a plan of the access and another showing the proposed passing bay.

The main considerations in the determination of the application were:

- Principle;
- Highway Safety;
- Visual Impact/Historic Environment;
- Residential Amenity; and
- Ecology.

With regard to the principle of development, the Planning Team Leader reiterated that the Council was currently unable to demonstrate a 5 year supply of land for housing and therefore the presumption should be in favour of sustainable development.

The site was adjacent to the village framework and the proposal was not an infill site but was replacing an existing relatively large barn. Members noted that the Parish was isolated and did not have any services beyond what was provided by the Church. Existing and proposed houses within the village would be considered to be unsustainable due to the reliance on private vehicles to access services, facilities and employment. However, the proposed development was small and would provide much needed self-build plots that would help to provide a continuous 5 year land supply.

Paragraph 78 of the NPPF made it clear that additional dwellings could help maintain the vitality of rural communities and that services could be located in a nearby settlement. In this case, the neighbouring villages of Sutton and Witchford offered a range of services and facilities to the village of Wentworth. On this basis the principle of development was considered to be acceptable.

It was considered that the proposal would generate little additional traffic along Main Street and while it was likely that each dwelling would have two cars, they were very unlikely to leave or enter the site at the same time. Main Street was a very narrow lane with limited passing spaces. The developer was seeking to provide an additional passing bay near 1 Main Street and while it would be adjacent to an approved driveway for a new dwelling, it was not considered that it would interfere with it. A Grampian Condition for the provision of the passing bay could be added and this would be under the control of the Local Highways Authority.

As the application was not determining scale, layout, design or landscape, it was only possible to consider potential impacts at this stage. It was likely that the built form on the site would not dramatically increase, so the visual impact on the character of the area would be relatively minor. The proposal would lead to the loss of some trees due to the widening of the entrance road but this could be mitigated by planting additional trees along the boundary; this could be secured at reserved matters.

Speaking next of residential amenity, the Planning Team Leader said that as the proposal was a very low density scheme, it should be possible to design the 6 dwellings to ensure there was no detrimental overlooking, loss of light or overbearing impact on both the existing and proposed dwellings. The development might cause some disturbance to residents and with a single width lane, there was a reasonable concern that large vehicles might block the highway. It was therefore recommended that conditions be added requiring the developer to provide a Construction Environmental Management Plan (CEMP) and to keep construction work within set socially acceptable time periods.

Members noted that the developer had provided an additional biodiversity Survey in order to update those carried out in 2017. The ecologist did not believe there would be any detrimental impact on protected species and a condition would be added to enhance ecology.

On balance it was considered that the benefits of the proposal outweighed the identified harm and the application was therefore recommended for approval.

At the invitation of the Chairman, Parish Councillor Soames Springthorpe, Wentworth Parish Council, addressed the Committee and made the following points:

- He was representing the Parish Council and parishioners;
- The housing figures were wrong because they were taken from the 2015 Local Plan. Wentworth had been identified to deliver 11 new homes by 2031 and 12 houses had already been approved ahead of that date;
- The Parish Council had actively engaged in all applications except this one, and the applicant did not attend the meeting;
- Development needed to be infill, not backfill. This would be a satellite development outside the development envelope and it would promote backfill. It was urban sprawl and if approved, would set a precedent;
- Two of the local District Councillors supported refusal and there were far more suitable locations for the development;
- The location was unsustainable and the passing place was not needed;
- Wentworth had embraced the need for new houses, but the proposal was counter to Green Policies for the village;
- The development would do harm and the only beneficiary would be the applicant.

Councillor Ambrose Smith asked Councillor Springthorpe if he thought a group of people building homes for their own occupation was an attractive prospect. She believed it presented the opportunity for 5 families to move into the village. Councillor Springthorpe replied that they wanted people to move into Main Street, inside the village framework.

Councillor Cox wished to know about the centre of the village, what land was available and who owned it. Councillor Springthorpe replied that the centre was towards the church and it was owned by the Church Commissioners; there was land available with road frontage next to the play park.

Councillor Ambrose Smith next asked if the site of the barn was brownfield land. The Planning Manager advised Members that General Development Permitted Order (GDPO) applications could convert barns into dwellings and there were up to 5 criteria to be satisfied under Permitted Development Rights.

Councillor Smith said he shared the concerns of the Parish Council and residents; isolated homes in the countryside should be avoided and this proposal would not be in keeping with the street scene.

Councillor Hunt proposed that the Officer's recommendation for approval be rejected, as he believed the development would have a negative impact on the character of the area, and it would damage village cohesion.

He felt that notice should be taken of the views of the Parish Council and local District Members. Councillor Smith seconded the motion for refusal.

The Chairman reminded the Committee of the presumption in favour of sustainable development and to consider whether the proposal caused significant and demonstrable harm. He could not see that it would, and besides which, not everyone wanted to live in a town. He thought this to be a truly different option and said that some growth was needed in the smaller villages or they would lose their amenities.

The Committee returned to the motion for refusal. When put to the vote, it was declared lost, there being 2 votes for, 5 against and 1 abstention.

It was proposed by Councillor Cox and seconded by Councillor Ambrose Smith that the Officer's recommendation for approval be supported. When put to the vote, the motion was declared carried, there being 5 votes for, 2 against and 1 abstention.

It was resolved:

That planning application reference 18/00824/OUT be APPROVED subject to the conditions as set out in the Officer's report.

**66. 18/00914/OUT – 34 MARKET STREET, FORDHAM, CB7 5LQ**

Oli Haydon, Planning Officer, presented a report (reference T107, previously circulated) which sought outline planning consent for four dwellings, garaging and parking to the rear of 34 Market Street, Fordham. Access and scale were to be considered at this stage, with the matters of appearance, landscaping and layout remaining as reserved matters.

On a point of housekeeping, Members were asked to note that the Fordham Neighbourhood Plan had met the examiner's basic conditions and would now proceed to referendum. It should now be referred to as the '*Post Examination Neighbourhood Plan*.'

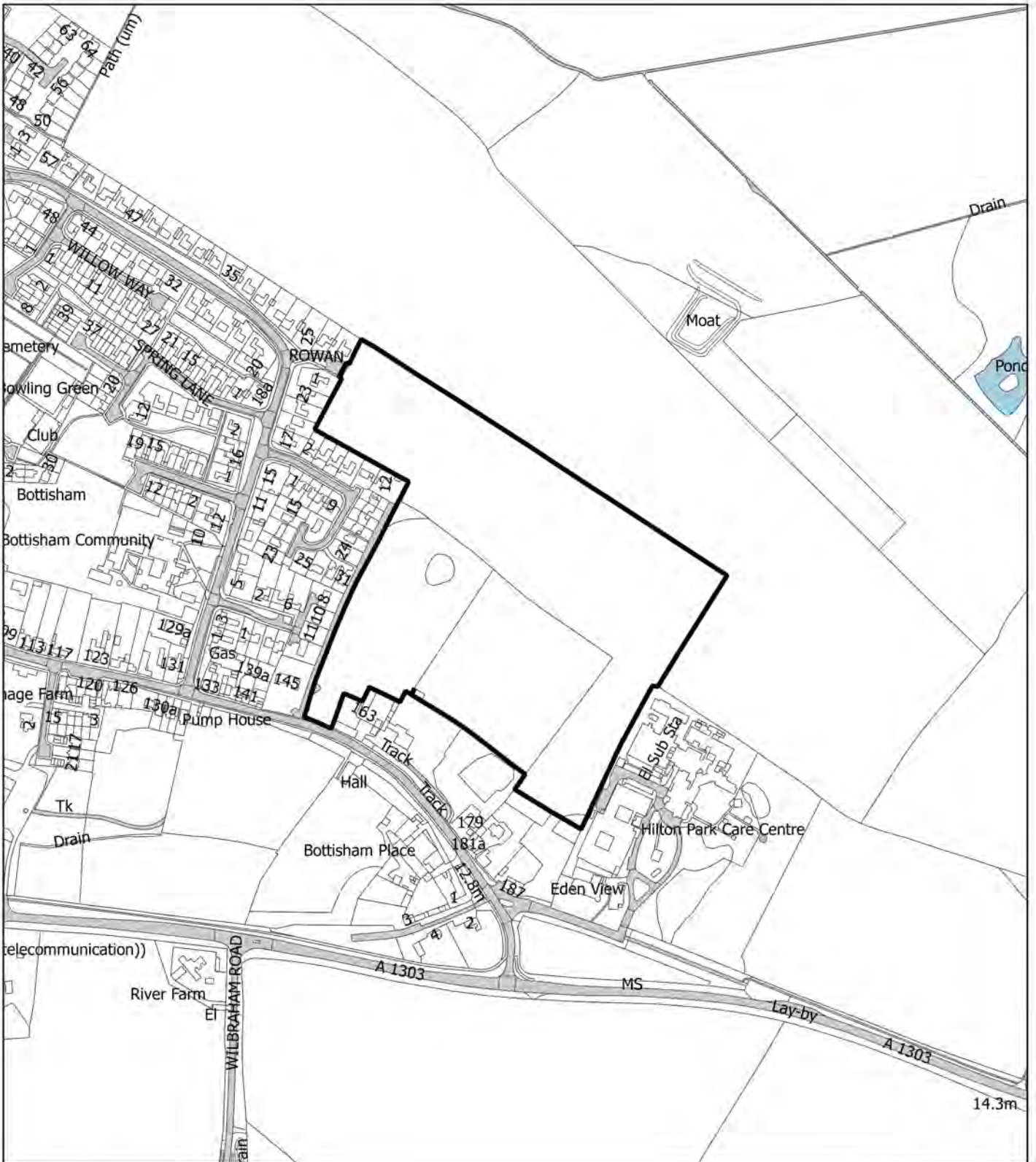
The site was located adjacent to the development envelope for Fordham. Running along the northern boundary was the 'Townsend Wood' Woodland Trust Reserve, an area of protected woodland. To the east of the site was open paddock land with residential development beyond. Immediately to the south-west was a recently approved development for two dwellings to the rear of 32 Market Street.

It was noted that the application had been called in to Planning Committee by Councillor Joshua Schumann for the reason stated in paragraph 2.3 of the Officer's report.

A number of illustrations were displayed at the meeting. They included a map, an aerial image outlining the site, an outline of the access and scale, and a photograph of the street scene.

The main considerations in the determination of the application were:

- Principle of Development;



20/00296/OUM

Land Rear Of 163 To 187  
High Street  
Bottisham



East Cambridgeshire  
District Council

Date: 16/02/2021  
Scale: 1:5,000



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**MAIN CASE**

**Reference No:** 20/00296/OUM

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

**Site Address:** Land Rear Of 163 To 187 High Street Bottisham

**Applicant:** Bottisham Farming Ltd

**Case Officer:** Anne James Planning Consultant

**Parish:** Bottisham

**Ward:** Bottisham

Ward Councillor/s: Charlotte Cane  
John Trapp

**Date Received:** 26 February 2020      **Expiry Date:** 4<sup>th</sup> March 2021

V139

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**1.0 RECOMMENDATION**

1.1 Members are recommended to REFUSE for the following reasons:

1. The development of the site to provide a 170 bed retirement care village and 30% affordable housing units would encroach upon the open countryside and result in substantial harm to the openness of the Green Belt when compared to the nature and characteristics of the existing agricultural land. The case for demonstrating very special circumstances to outweigh any harm to the Green Belt has not been demonstrated. The proposal fails to comply with any of the exceptions within Para 145 and 146 of the NPPF and comprises inappropriate development within the Green Belt. The proposal is therefore contrary to Policies ENV1, ENV2 and ENV10 of the East Cambridgeshire Local Plan 2015 and section 13 of the NPPF 2019.
2. The application site lies in the open countryside, outside of the development envelope of Bottisham where development is controlled. The construction of a 170 bed retirement care village as well as 30% affordable housing units on an unallocated site in the countryside, which does not meet the aims and objectives of policy HOU6 of the East Cambridgeshire Local Plan 2015, due to the proposal

causing harm to the character and setting of the area, would therefore give rise to an inappropriate development with no justification to override the normal presumption against development in the countryside as set out in Policy GROWTH2 of the Local Plan. As such it is contrary to Policies ENV1, ENV2, HOU6 and GROWTH2 of the East Cambridgeshire Local Plan 2015 that has regard to the need to protect the countryside and the setting of towns and villages.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 This report supersedes the original Committee report which was withdrawn from the Agenda of the Planning Committee dated 7<sup>th</sup> October 2020. Following the withdrawal of the application from Planning Committee the applicant has revised the outline application which considers the matter of access, with appearance, landscaping, layout and scale to be considered at the reserved matters stage.
- 2.2 The applicants have been provided with an opportunity to amend the application to address a number of concerns highlighted by technical consultees. The applicants considered they were not provided with sufficient time to address these concerns and therefore the Chairman, Vice-Chairman and Planning Manager agreed to provide the applicants with a further period in which to submit this information. As such a number of the previous reasons for refusal have been addressed. The applicants have also suggested the Council contacts the Service Director - Commissioning - People and Communities Team at Cambridgeshire County Council, however, at the time of writing no response has been received. A further update will be provided at Committee.
- 2.3 Outline permission is sought for the development of a retirement care village (Class C2) comprising housing with care, communal health, wellbeing and leisure facilities as well as C3 affordable dwellings (comprising up to 30% on-site provision), public open space, play provision landscaping, car parking, access and associated development. A new vehicular access is being created from the High Street and this will run adjacent to the western boundary. The access road will be 5.5m wide and incorporate a pedestrian footway along one side. Pedestrian access only is proposed from Rowan Close.
- 2.4 The quantum of development has been set out below:
- 14,335sqm of C2 residential floorspace (15,430 sqft)  
170 C2 units  
30% affordable housing (approximately 51 dwellings)  
4.9 ha or Public Open Space (12.1 acres)  
Central Community Building, health, wellbeing, care and leisure facilities  
176 Parking spaces
- 2.5 The application is accompanied by the following revised documents:
- Acoustic Assessment
  - Archaeological Evaluation Report
  - Arboricultural Impact Assessment

- Biodiversity Net Gain Assessment
- Built Heritage Assessment
- Ecological Impact Assessment
- Flood Risk Assessment
- Geo-environmental Report
- Geophysical Survey Report
- Green Belt Assessment
- Landscape and Visual Impact Assessment

The following new reports have been prepared to support the proposal:

- Transport Technical Note from Motion dated 29<sup>th</sup> September 2020
- Transport Technical Note from Motion dated 19<sup>th</sup> November 2020
- Letter from Carterwood, dated 29<sup>th</sup> September 2020
- Report from Ben Cave Associates
- Draft Section 106 Heads of Terms

The following reports remain unchanged:

- Statement of Community Involvement
- Design and Access Statement
- Planning Statement
- Planning Needs Assessment
- Noise Impact Assessment
- Travel Plan
- Technical Note on Access
- Transport Assessment
- Utilities Statement

2.6 The application is being considered by the Planning Committee due to the proposed floor space comprising over 1000sqm (10764 sq ft) in accordance with the Council's Constitution.

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

### **3.0 PLANNING HISTORY**

19/00661/SCREEN SCREENING OPINION - A retirement village of up to 250 residential units C2 use, comprising a mix of independent living retirement homes, extensive new open space, landscaping, access and communal amenity facilities.

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

4.1 The site is an irregular shaped area of land measuring approximately 8.4 ha (20.75 acres) and comprises two fields, a smaller field of pasture land used for the grazing

of sheep and a larger one used for cultivation of crops. The site lies outside the development envelope for Bottisham, and parts of the south of the site lie within the Conservation Area. The whole of the site lies within the Green Belt.

- 4.2 The application site abuts residential development in Rowan Close, Maple Close and Cedar Walk to the west and there is a PROW which runs along this boundary. To the south of the site is a group of Grade II Listed Buildings (Bottisham House, The Maltings, a number of barn conversions), and to the east is the Hilton Park Care Centre with open countryside framing the northern boundary.
- 4.3 According to the Topographical Survey submitted with the application, it records a fairly level site with a small change in level in the north-east corner of the southern field and along a small length of the eastern site boundary.
- 4.4 Apart from hedgerow which form the site boundaries there are three groups of trees and five individual trees that lie within the site and these have the benefit of a Tree Preservation Order (TPO E/15/19).

## 5.0 **RESPONSES FROM CONSULTEES**

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

### **Rt Hon Lucy Frazer MP – 2nd September 2020**

I am writing on behalf of my constituents who have contacted me about planning application 20/00296/OUM to build a 170 home Retirement Village in Bottisham. Constituents have raised concerns that this application is to build on Green Belt and The only ancient bit of meadow that is left in the village. They have also highlighted that the village already has two care homes, and more elderly patients would likely put extra strain on the Medical Practice in the village.

As you know this is a matter for East Cambridgeshire District Council, and I have directed constituents to respond to the relevant application, however, I wanted to ensure that concerns expressed to me by residents with regards to this application have been received by the District Council.

### **Cllr Graham Cone – South Cambridgeshire District Council Fen Ditton and Fulbourn Ward**

No Comments Received

### **Cllr Claire Daunton, South Cambs District Councillor, South Cambridgeshire District Council Fen Ditton, Great Wilbraham, Horningsea, Little Wilbraham, Stow-cum-Quy, Tevesham and Fulbourn Ward - 15 May 2020**

The villages of Little Wilbraham, Great Wilbraham and Six Mile Bottom are sited 2-3 miles distant from Bottisham and within the catchment area of the Bottisham Surgery. The range of services provided by the surgery are vital to the health and well-being of these villages and much valued by them. This value, long known, has

been demonstrated particularly over the past 7-8 weeks of the coronavirus epidemic.

I have seen the plans for this proposed development and been copied into correspondence. I have also spoken to parish councillors and residents of the three villages which I represent.

Our concerns are two-fold: the pressure which this development will put on the services provided by Bottisham surgery and the fact that the proposed site is within the green belt.

It has been stated that the Bottisham surgery has a lower patient to GP ratio than the national average. Whilst this may be the case on paper, in reality we know that the surgery serves a wide rural area where properties are dispersed and where there is a significant elderly population. We also know that the provision within the surgery of a pharmacy dispensing service is of particular value to patients needing regular, on-going medication; and these include residents of all ages.

It is crucial that the additional workload and pressure that a retirement village would put on the surgery, in its wider geographical coverage, be taken into account in consideration of this application.

Whilst the application indicates that the retirement village will provide well-being and health facilities, these are not the type of medical facilities that the surgery offers and are much needed. Equally, whilst the retirement village is not a care home, the housing is aimed at those for whom ageing is likely to be a factor in their choice of accommodation. They are more likely to make regular demands on the surgery than those in the younger age groups; and this demand will have a serious knock-on effect on the service available to villages in this Ward.

I note that the proposed development would be using land in the green belt and that this would only be allowed under exception arrangements. Given that Bottisham already has significant facilities for the elderly, including two care homes and sheltered housing, I am not clear how another development aimed at this section of the population would meet exception criteria.

**Cllr John Williams – South Cambridgeshire District Council Fen Ditton and Fulbourn Ward**

No Comments Received

**Wilbrahams Parish Council –**

No Comments Received

**Stow-Cum-Quy Parish Council –**

No Comments Received

**Bottisham Parish Council – 4<sup>th</sup> January 2021 (comments on revised proposal)**

Bottisham Parish Council does not support this planning application for the reasons outlined within this report.

### Green Belt

This application is for a development on land currently designated as Green Belt, which provides for general exclusion of development apart from exceptional circumstances.

NPPF policy numbers 145 and 146 indicate the exceptions that may be made for development on Green Belt. In the 2009 Master Plan, developed in conjunction with ECDC, the Parish Council supported planned limited development on Green Belt off Bell Rd to provide affordable homes for the village. This is an area with limited landscape value and well away from the more historic part of the village and Conservation Area. Recently planning consent has been given for a further 50 homes (identified as BOTT 1 in the ECDC 2015 Local Plan) with provision for type 3 & 4 affordable housing. The Council sees no requirement for further affordable housing elsewhere in the village.

The proposed development adjoins the conservation area, is outside the building envelope and is on an area long recognised as of significant landscape value (see “Landscape” comment below). Parish Council has long sought to protect this area due to its unique character. During the review of the East Cambs Local Plan, we were explicitly assured by ECDC planning officers that it was not necessary to apply for Local Green Space designation, which would give a high level of protection for special green areas. We were informed that it already had a high level of protection, due to the Green Belt, Conservation Area and the village envelope, plus the Structure Plan 1995 statements. We would ask ECDC to respect this commitment given to the Council.

The Inspector supported the need to protect our Green Belt during the recent refused appeal for planning permission on a very small area of adjacent Green Belt belonging to First Copy. Reference was also made to the need to limit development outside the village envelope.

Any development in this area would be deemed as an encroachment and undermining of the rural character of the landscape and have an adverse effect on the neighbours and residents in other areas within the village and surrounding areas. It would also very significantly increase the number of houses, relative to the current size of the village, and we believe the infrastructure would not be able to cope.

If East Cambridgeshire District Council wishes to support development of a retirement village we would argue that it should be located on areas without Green Belt status. It does not merit an “exemption” on Green Belt.

### Local Services

The Bottisham Surgery provides health care for two care homes in the village, plus a high dependency unit, placing significant demand on local GP resources. It was keenly noted at the parish council’s consultation that residents were concerned by

the creation of a top heavy resident demographic. This would place a significant extra strain on medical and other resources in the village.

It should be noted that Planning Permission has already been granted for a further 50 homes in Bell Road, already adding to the strain on local services.

At this stage there is no information on how the retirement village will be managed and this could seriously impinge on the care and health of the residents who come to live there. This should be clarified at an early stage, as the residents are not going to be the usual mix of ages. They will be in one particular group which would bring added requirements of support.

The Surgery will require reassurances and information on how the care for emergencies and other care issues are managed.

### Travel Implications

These will apply not only for residents but staff, visitors and delivery vehicles. The public transport to other towns is considered inadequate and there is no bus service on Sundays or evenings. This will undoubtedly encourage car use by residents and be inadequate for staff who will be involved in shift work. This will bring extra traffic into the village

Staffing for the retirement village will not come from Bottisham, as the Care Homes within the village already have a high percentage of staff (including cooks, gardeners as well as carers and nursing staff) drawn from outside of the village. This will again cause an increase in traffic due to the poor local public transport. This, at a time when East Cambs District Council is encouraging a reduction in the carbon footprint.

The subsequent addition of 50+ affordable homes will exacerbate the situation further.

### Sewage Works

We have always questioned the statement from Anglian Water that there is adequate capacity. Residents in the area repeatedly comment on the early morning traffic of tankers removing effluent several times a week. If the retirement village and more affordable houses are built, as well as the 50 already granted permission off of Bell Road, then it could be estimated an extra two tankers a week will be required - as well as increasing the strain on a sewage farm built for much lower volume.

We also have concerns about the sufficiency of the infrastructure in the High St conveying waste water to the sewage treatment works. Following heavy rainfall over the Christmas period, there was significant sewage contaminated flooding in the High St close to the planned entrance to the development. This resulted in 2 feet of foul water in one property, with Anglian Water instigating emergency repairs to the local pumping station. This is the third such incident in 5 years causing damage to this property. We would ask that full investigation is made into ensuring that the

infrastructure is sufficiently upgraded to cope with the added strain of over 200 more homes.

### Landscape and Visual Impact

We have previously commented on the Landscape and Visual Impact of this area during several submissions to reviews. These include Green Belt policies and reviews in public, Local Plan and the review of the Structure Plan 1995. This concluded the area between the bridleway (now a public footpath) and The Grange (Hilton Park) is appropriately described as being of high landscape value and forms a clear cut, permanent and easily recognisable boundary for the Green Belt in the neighbourhood.

There is also a vista from the Nine Mile Hill to the Swaffham Road. This was referred to during the Consultation and opposition to the Nine Mile Hill application in 1991.

Any applicants will go to considerable lengths to reduce the impact of the proposal both in terms of layout, landscaping and usage. But, this will not overcome the detrimental impact on the area. Bottisham is a rural village and it is important that we preserve the Green Belt to prevent urbanisation.

### Highways, parking and safety issues

This village already has significant traffic issues and we have installed traffic calming speed indicating displays within the area to them. The traffic survey is misleading, as it was done during school holidays and at times when the village was quieter.

The area of the High Street and Beechwood Avenue close to the planned site entrance already has significant parking problems due to the primary school - especially at school drop-off/pick-up times. Visibility will be impaired for residents and visitors entering and leaving the site and the increased traffic flow from this new development will significantly increase the possibility of accidents.

Approaching the site along the High Street from the village centre, there are concerns that the visibility on entering the site is impaired due to a neighbouring property's high wall.

The entrance to the play area has yet to be defined and there may be issues with ownership at the end of Rowan Close. However, if access is via Rowan Close, there will be issues with parking there – again likely to be worse during school pick up time. We are unable to see any provision in the draft plans for parking adjacent to the additional amenities promised for the village.

### Consultations

We received the original application shortly before the Covid-19 restrictions, but managed to have a well-attended meeting in order for the Village to see the plans. We were not able to have a subsequent public meeting to discuss the feedback.



However, the Parish Council held an online meeting to discuss this and has done its best to represent local views given the circumstances.

The subsequent recent late changes to the application have given us inadequate time properly to consult with the village. We have, however, done our best to inform local people in the circumstances and gather residents' views.

## Conclusion

We oppose this application for the following reasons:

1. The Parish Council has previously supported planned limited development on an area of Green Belt off Bell Rd, to allow provision of affordable housing for the locality in line with NPPF exemptions (with permission for a further 50 homes recently given). This is in an area that is well away from our Conservation Area/historic parts of the village and has limited landscape value. The Parish Council does not believe there is need within Bottisham for provision of further affordable homes. There is no justification for this proposed development on an area of Green Belt long recognised as having significant landscape value and which will negatively impact the Conservation Area. It is also outside the village envelope.

The local Green Belt is the only area of Green Belt in ECDC and should be protected to prevent urban sprawl from Cambridge. ECDC has adequate supplies of available land for development elsewhere that will supply further affordable homes without requiring development on Green Belt.

2. The need for a retirement village of this scale in Bottisham (or the local area) has not been demonstrated. The expected cost means that only a few residents will be able to afford to live in the retirement village and the majority of residents will be incomers. Bottisham already has significant provision for the elderly, with three residential care facilities and the arrival of a large retirement village will, we believe, negatively impact on the provision of medical care for other residents.

3. While we fully oppose any development in this area of Green Belt, we would point out that the suggested placement of all the affordable homes in a "ghetto" is not in line with guidance that recommends no more than 15 residences in one parcel to ensure a balanced and sustainable community. This guidance will be adhered to in the planned development of BOTT 1, where the affordable housing will be well integrated within the wider development. Policy HOU 3 of the Local Plan 2015 also requires that, in the south of the district, 40% of the total number of dwellings are affordable - not the 30% currently proposed.

4. If this application is referred to Planning Committee, then we will inform the Village and also use our right to attend the meeting to speak.

5. In summary we strongly urge this application be refused. There is no demonstration of a local need for either affordable homes or a large retirement village that justifies development on a Green Belt area long recognised as deserving of protection.

## **Parish - 12 May 2020**

The Parish Council wish to reinforce our position that as indicated in our earlier submission, we do not believe this land is suitable for development under any circumstances and we would ask that this is taken into account when the application is being considered by the officers of the Planning Dept.

## **Parish - 20 April 2020**

Bottisham Parish Council does not support this planning application for the reasons outlined within this report.

- Impact on the Green Belt, Conservation Area and development envelope.
- Any development such as this would very significantly increase the number of houses, relative to the current size of the village, and we believe the infrastructure would not be able to cope.
- No demand for retirement homes of this kind and should be located where there are large areas of brown and greenfield land without Green Belt status.
- The Bottisham Surgery provides health care for two care homes in the village, plus a high dependency unit, placing significant demand on local GP resources. It was keenly noted at the parish council's consultation that residents were concerned by the creation of a top heavy resident demographic. This would place a significant extra strain on medical resources and like facilities in the village.
- It should be noted that Planning Permission has already been granted for 50 homes in Bell Road adding to the strain on local services.
- No information on how the retirement village will be managed and this could seriously impinge on the care and health of the residents who come to live there
- Travel implications for residents, staff, visitors and delivery services
- Sewage capacity questioned.
- Landscape and visual impact
- Highways, parking and safety issues
- The traffic survey is misleading, as it was done during school holidays and at times when the village was quieter.
- The area near to the Scout Hut on the High Street, close to the proposed access to the site, is a potential danger due to parking during school picking up times and when events are being held there. Visibility will be especially impaired for residents and visitors entering and leaving the site.
- High Street and Beechwood Avenue have significant parking problems as it stands. The increased traffic flow coming from this new development will significantly increase the possibility of accidents. This will be particularly the case at pick up and drop off times at the primary school. Parking for visitors to the site could be an issue, leading to an increase of cars parked in the High Street and Beechwood Ave close to the primary school. These are already a dangerous place for children arriving and leaving.
- Approaching the site along the High Street from the village centre, there are concerns that the visibility on entering the site is impaired due to a neighbouring property's high wall.
- The entrance to the play area has yet to be defined and there may be issues with ownership at the end of Rowan Close. However, if access is via Rowan Close, there will be issues with parking there - likely to be worse during school pick up time.

- Contrary to policies of the NPPF and the development plan.

**Cllr Charlotte Cane, Bottisham Ward Councillor – 21<sup>st</sup> January 2021**

I will not repeat the concerns which I have raised elsewhere, but would summarise my objections by saying this is a Green Belt site, so the presumption should be that it will not be developed unless an exceptional case can be made. The applicant is arguing that the exception is the need for provision for elderly people. I accept there is a general need for such provision, but I share the County Council's view that such need is not evidenced in Bottisham, not least because Bottisham already has significant provision. Such provision should be spread geographically so that people can stay within areas which they know and so that local infrastructure is not put under too much pressure.

There are two new points to address - the affordable housing and the biodiversity net gain.

There is undoubtedly a need for affordable housing in Bottisham. The Parish Council is well aware of this and has a record of supporting appropriate applications, such as the land off Bell Road. This proposal will put all the affordable housing in one separate area, rather than integrated throughout the development. It is also cut off from views across the public open space and there is no indication of the size of the suggested play space. The proposed access road does not appear to go to the area for affordable housing, so it is unclear how they are to access their homes. I note the commitment is for 'up to 30% of the total number of eligible units within the C2 development'. This is a very unclear commitment - they are merely saying they won't build more than 30%. Our policy for the South of the District is for 40%. If this development were to be given consent it would be as an exception, in which case we should be requiring at least 40% affordable housing properly integrated within the development. I cannot support this proposal as it currently stands.

The biodiversity net gain in this scheme has reduced from the original 10.35% to just 4.82%. This reduction is unacceptable - we should be requiring at least the original 10.35% - again, this is a Green Belt site, we should expect better than the bare minimum. I entirely agree with the CPRE's statement that "this application remains an inappropriate development that will cause severe and lasting damage to the local landscape and to the village character of Bottisham."

I consider that this application should be refused. If you are minded to recommend approval I should like it to go to Planning Committee.

**16 March 2020**

I have significant concerns about this application and ask that it should go to Planning Committee, if you are minded to approve the application.

It is an application which will impact beyond the village of Bottisham and East Cambridgeshire District Council. I therefore ask that you also formally consult the South Cambridgeshire Councillors for Fen Ditton & Fulbourn ward and the neighbouring Parish Councils. I should also be grateful if you could make

arrangements for them to present their case to the Planning Committee along with Bottisham Parish Council and the Bottisham ward Councillors.

Bottisham already has one of the largest nursing homes in the East of England, in Hilton Park Care Home, as well as Queen's Court, a residential and dementia care home. It is therefore very hard to see a justification for a retirement village.

The Bottisham Surgery provides excellent primary health care to residents of Bottisham and the surrounding villages. They already have a high proportion of elderly patients and have stated that 'the sudden expansion in our practice population associated with the retirement village will create additional demand for services which we are unable to resource'.

The site is within Green Belt and therefore the presumption should be that it is not developed. With Hilton Park Care Home, Queen's Court and the bungalows in Downing Court and around Bottisham, there is ample provision for retired people from initial downsizing through to full care.

I note that the applicant considers that the site 'lends itself to sustainable travel negating the need to commute by private car.' Unfortunately, I cannot agree with this. The staff will work shifts which will include night time and Sunday shifts. At these times there are no bus services and it is a significant distance to cycle from Newmarket or Cambridge railway stations. In any event, a 40 minute bus ride (plus up to 60 mins wait to change from train to bus) will be unattractive to people, who will thus be likely to use their cars instead. Similarly, families visiting their relatives will find public transport both inconvenient and expensive and are thus likely to drive. The residents are likely to want to travel outside of Bottisham and sometimes outside of the hours when buses run - eg they cannot return home by public transport after an evening out in Cambridge. They are therefore likely to want a car and to use it even when there would be public transport options. If approved this development would add to traffic on already busy roads and could add to parking issues within Bottisham.

For these reasons, I would ask that the application be rejected. But if you are minded to approve the application, I should like it to be considered by the Planning Committee.

### **Lode Parish Council – 7th April 2020**

“The plans look better now that they have been reduced from 250-170 units, and they will not be conspicuous from the High Street.

“The area is well set out with a parkland area at the front which means the buildings are at the back of the site away from the High street and its original houses.

“There is another park abutting the land to the west so the residents of Beechwood Avenue will be set away from the new housing. This area includes a much needed playground, and extra leisure facilities.

“The application for TPO's on the trees has been respected, so there will be mature trees in the development.

The new development will free up existing houses that are too big for older residents.

“The development will provide care, communal health facilities, and well-being and leisure facilities.

“However, Bottisham already has two care/nursing homes including Hilton Park and Queens Court, so there is already quite a lot of extra work for the local surgery, and this would very much increase their work load with more elderly people coming into the village.

“The bus systems locally are very patchy so care workers, visitors and the residents themselves would almost certainly have to come and go by car, so traffic would be very much increased along the High Street which would very much spoil the attractiveness and quiet along that part of the village.

“Another issue is there is no provision of affordable units for local people.

“The buildings will be on Green Belt Land, which was not considered and released in either the 2015 local plan or the later withdrawn one.

“Finally, the application is only an outline plan, and we hope that the final application, if it is granted, does not dilute the attractive aspects of this planning application. “

### **Anglian Water – 26<sup>th</sup> November 2020 (comments on revised proposal)**

No objection the foul drainage from this development is in the catchment of Bottisham Water Recycling Centre that will have available capacity for these flows.

Used Water Network – The sewerage system at present has available capacity for these flows.

Surface Water Disposal – The proposed method of surface water management does not relate to AW operated assets. Therefore, unable to provide comments.

### **20 March 2020**

No objection the foul drainage from this development is in the catchment of Bottisham Water Recycling Centre that will have available capacity for these flows.

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. Or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

### **Cambridge Ramblers Association –**

No Comments Received

## **Cambs Wildlife Trust – 16th December 2020** (comments on revised proposal)

I have reviewed the revised ecological information. Including ecological assessment report and Biodiversity Net Gain assessment. These have been prepared in accordance with standard industry practice and are acceptable. The biodiversity aspects of the scheme remain broadly similar to those in earlier version that we previously commented on. The only aspect I would comment on is that the revised biodiversity net gain assessment now includes a smaller habitat net gain than in the original assessment (4.82% reduced from the previous 10.35%). This is to some extent offset by the significant net gain in hedgerow units and the species conservation measures proposed within the scheme. However, in using the Defra Metric, habitat units are not tradeable with hedgerow units or species conservation measures. The Biodiversity Net Gain report claims that the net gain from this scheme is significant. I do not concur with this conclusion as a 4.82% net gain in habitat biodiversity units is not significant. Ideally all 3 (habitat, hedgerow and species measures) would demonstrate a significant net gain for a scheme to be able to claim significant net gain. It is therefore disappointing that this development no longer achieves a minimum 10% biodiversity net gain for habitats, which I would recommend as the minimum.

I do believe that it would be possible to achieve a 10% net gain for habitats with small changes to the scheme, so this need not be a reason for refusal, but would require changes to be made before determination. An alternative would be for the applicant to use a biodiversity offsetting approach to pay for off-site habitat creation elsewhere in the district.

### **13 July 2020**

This professional ecological advice has been provided in accordance with the Service Level Agreement held with East Cambridgeshire District Council.

I have now received the full Biodiversity Impact Assessment from BSG for this application. They have used the Defra Biodiversity Metric 2.0 to make their Biodiversity Net Gain assessment. I have checked their assessment and I can confirm that I am in broad agreement with the submitted assessment. The couple of areas where I could disagree do not make a material difference to this scheme being able to demonstrate a net gain in biodiversity, which would still represent at least a 10% net gain. Therefore from a biodiversity perspective, the proposals accord with national and local biodiversity policies.

### **28 April 2020**

I have now received the full Biodiversity Impact Assessment from BSG for this application. They have used the Defra Biodiversity Metric 2.0 to make their Biodiversity Net Gain assessment. I have checked their assessment and I can confirm that I am in broad agreement with the submitted assessment. The couple of areas where I could disagree do not make a material difference to this scheme being able to demonstrate a net gain in biodiversity, which would still represent at least a 10% net gain. Therefore from a biodiversity perspective, the proposals accord with national and local biodiversity policies.

### **3 March 2020**

This advice is provided in accordance with the Service Level Agreement between ECDC and the Wildlife Trust BCN, for the provision of ecological advice in relation to planning cases.

I have reviewed the ecological report submitted with the application. This report follows established best practice in ecological report writing. There is however one newly emerging area that has not yet been covered, namely a formal biodiversity net gain assessment. While the scheme as proposed may well be able to demonstrate a biodiversity net gain for habitats and hedgerows within the red line boundary, I would like to be reassured that this will be achievable, particularly as the application site covers a significant area of land (over 8 Ha) and contains a range of habitats (albeit mostly lower value, but with some higher value habitat features, namely the parkland trees).

I therefore recommend that a formal biodiversity net gain assessment is undertaken prior to determination of this application. I have attached a template for a Biodiversity Impact Assessment which could be passed onto the applicants and their ecological advisor. They could use the attached BIA template or alternatively use the emerging Defra Biodiversity Metric 2.0 (though this latter one is still in testing phase and does still have a number of errors and anomalies that need to be fixed).

At this stage I don't have any observations on the protected species matters (though I am unable to advice on the badger surveys as this is not available through the ECDC planning portal). I am pleased to see that the scheme design retains and incorporates the existing grassland, woodland and scrub, parkland trees and hedgerows into the proposed development layout and proposes enhancements to these. In doing so it also provides a good quantity of natural greenspace, which could be available to existing residents of Bottisham and so have wider value in providing a local greenspace.

Once a biodiversity net gain assessment has been submitted I would be pleased to review my comments.

### **Environment Agency – 25<sup>th</sup> November 2020** (comments on revised proposal)

No comments to make on the amended details.

### **23 March 2020**

We have no objection to the proposed development.

### **NHS England –**

No Comments Received

### **CCC (Adults Commissioning Team) – 16<sup>th</sup> February 2021** (response on amended proposal)

The Commissioning Team have considered the additional documents submitted with the planning application and have noted the following:

As previously stated from an extra care perspective, East Cambs is not a priority location for the development of new schemes. The application states that the lack of private extra care provision justifies this new development, however, there are significant numbers of 'self-funders' who live in the existing extra care provision and Millbrook House at Soham also includes a number of shared ownership properties. In East Cambs there is no waiting list for extra care and this is not uncommon.

The already significant provision for residential care in the village has meant that there are staff recruitment issues and further development in the village would exacerbate this.

### **8th September 2020**

In Bottisham there is already very significant provision for residential care in the village comprising of 147 beds at Hilton Park (Oaklands and the Care Centre) for Nursing and Nursing Dementia, a further 55 beds at Queens Court for Residential and Residential Dementia and 10 beds at Eden View for specialist nursing for younger adults. We do not feel that it would be necessary to increase capacity within Bottisham in terms of Residential, Residential DE, Nursing and Nursing DE provision.

From an Extra Care perspective, East Cambs is not a priority area for the development of new schemes. There are currently a total of 149 units of Extra Care in East Cambs. These are located in Soham (Millbrook 87 units), Baird Lodge in Ely (35 units) and Ness Court in Burwell (27 units). Currently, there is no waiting list for people to move into extra care and this is not an unusual situation for these schemes.

### **CCC - Archaeology – 25<sup>th</sup> November 2020** (comments on revised proposal)

Confirm that the proposed revisions do not alter the advice previously issued by this department.

### **14 April 2020**

We do not object to development proposal but recommend that a condition, with its informatives, is used to appropriately manage the concomitant change to assets within the historic environment:

### **CCC - Asset Information Definitive Map Team –**

No Comments Received

### **CCC Fire and Rescue Service –**

No Comments Received



**Local Highways Authority Transport Assessment Team – 14<sup>th</sup> December 2020**  
(comments on revised proposal)

No objection subject to mitigation package: Sufficient detail has been presented for CCC to reach a conclusion of no objection.

**26 May 2020 Holding objection**

Insufficient detail has been presented to make a sound assessment. A number of issues related to the Transport Assessment will need to be addressed before the transport implications of the development can be fully assessed.

The applicant has undertaken a series of ATC surveys in the vicinity of the site between the 20th May 2019 and 29th May 2019. This date of the surveys is agreed.

The TA includes the last five available years up to the end of December 2018 accident record obtained from Crashmap.

The use of Crashmap is not acceptable as this data is generally older than CCC data. The TS should consider the latest 60 months' accident record sought from [Business.intelligence@cambridgeshire.gov.uk](mailto:Business.intelligence@cambridgeshire.gov.uk). The accident data should cover the area between junctions of High Street with Tunbridge Lane to the north and with the A1303 to the south and be appended to the Transport Assessment and a plot provided showing each accident location. It would also be beneficial to tabulate the accidents to clearly define the number and severity of accident occurring at each location.

The County Council will review the accident analysis once the above information has been provided.

*Forecast Trip Generation and Distribution*

Vehicle trip rates calculated using the TRICS database are considered to be robust (0.176 two-way vehicle trip rate in the AM peak and 0.184 two-way vehicle trip rate in the PM peak). Use of TRICS to obtain vehicle trip rates is agreed.

Comment 12 The TA highlights that the proposed development will generate up to 30 two-way car trips in the AM peak hour and 31 two-way car trips in the PM peak. This traffic will all access the site via High Street.

The methodology used to determine the development vehicular trip distribution and assignment is agreed. This is with approximately 90% of the vehicle trips coming in and out the site from the south east via A1303 West bound (80%) and 10% from the A1303 East bound.

*Committed Development*

Reference has been made to the committed development of 50 residential dwellings at Ox Meadow, Bendish Lane, Bottisham (Ref: 16/01166/OUM), which has been taken into consideration when evaluating the cumulative effects of the proposal.

### *Future Baseline*

The TA states that TEMPro growth factors of 1.0901 have been used to calculate the 2024 Future Baseline + Development flows. This is agreed.

#### Traffic Flow Scenarios

The TA includes the following Traffic Flow scenario. This is agreed.

- 2019 baseline validated against queue length surveys
- Future year scenario no development (base + TEMPRO growth + committed development)
- Future year scenario with development (base + TEMPRO growth + committed development + development)

#### Capacity Assessment

The following junction has been modelled with Junctions 9:

- High Street / A1303 junction.
- Site access / High Street junction.

The above junctions modelling results have not been yet reviewed until the figures showing the geometric measurements input into the models are provided.

### *Travel Plan*

CCC has not commented on any detail of the Travel Plan at this stage. Targets / Measures of the travel plan will need to be subject to a condition should approval be given.

### *Mitigation*

The applicant has offered the below mitigation measures. However, the proposed mitigation package will need to be addressed after the transport implications of the development can be fully assessed:

- The proposed accessibility improvements of the development will link the site to the existing pedestrian infrastructure in the vicinity of the site. Works to be agreed with the LPA prior to occupation, and to be done under a S278 agreement. Works to include new pedestrian crossings and widening the existing footway as presented in Motion drawing No. 1903044-04, included in the Technical Note dated 27th April 2020:
- Dropped kerbs and tactile paving will be provided across the bell mouth on the proposed site access and north to south on High Street.
- To be widened up to 2.0 metre the existing footway on the southern side of High Street which will extend between the site access and the bus stop adjacent No.136. An additional northern pedestrian route into the development will be provided, which will link directly to Rowan Close.

**CCC Local Highways Authority – 9<sup>th</sup> December 2020** (comments on revised proposal)

Note that there have been no material alterations to the proposed access arrangements from previous submissions, and these remain acceptable and in accordance with national guidance as previously advised. Please note that I have also undertaken a targeted speed survey in conjunction with the pedestrian crossing point on High Street, and that the visibility available from the crossing point within the public highway is commensurate with the recorded 85th%ile vehicle approach speeds.

I assume that CCC Transport Assessment Team have been consulted directly in relation to the revised technical information relating to the impact of the development on the broader transport network.

It is apparent that the red line has been extended to meet the back edge of the footway adjacent Rowan Close, in relation to the proposed pedestrian and cycle access. I trust that ECDC are satisfied that the appropriate Notice has been served in relation to the inclusion of this land in the application site edged red (as may be appropriate). A detail will be required in the fullness of time to demonstrate the implementation of appropriate linkage and access to the public highway.

Without prejudice to the determination of the application, in the event that it is resolved to grant planning permission, highway related conditions will be required to secure:

- the appropriate implementation of the access arrangements;
- securing of off-site footway linkage;
- securing of on-site turning/ parking and loading arrangements; and
- the management of traffic throughout the construction process, both on and off- site, including the deliveries outside of peak period/ school opening/ closing times, and the routing of construction related traffic away from the village.

I am happy to propose specific conditions once the final form of development has been determined.

The applicant should note that a Short Form S278 Agreement will be required to be completed between the developer and this Authority to secure the implementation of any works within the public highway, supported by appropriate technical submission.

### **18th May 2020**

A crossing point has been provided north to south adjacent the site access. A return crossing point will be required in the vicinity of the bus stop (sorry, this probably wasn't clear from my original consultation); this can be secured by condition for submission of detailed engineering drawings.

The footway widening will necessitate the relocation of the existing Vehicle Activated Sign (VAS)/ School warning sign (to the west of the new access on the south side of High Street).

Relocating the VAS to the back edge of the widened footway (circa 500mm) is acceptable in traffic and safety terms, and forward visibility to the sign will not be compromised. Undergrowth on the adjacent highway verge will need to be cut back, and overhanging/ encroaching tree growth cleared to implement the footway link.

For the avoidance of doubt, the proposed vehicular access and pedestrian crossing points can achieve appropriate visibility/ vehicle sight stopping distance in all respects, with due regard to the nature of High Street.

#### *Pedestrian/ Cycle Access to Rowan Close*

The applicant's agent has referred to the use of S228 of the Highways Act 1980 to deliver the footpath/ cycle path link to Rowan Close across third party land. To clarify, Section 228 allows for the making up of land with no known owner as highway maintainable at public expense.

The use of the Section 228 Highways Act 1980 by the Local Highway Authority to deliver highway adoption is entirely discretionary.

In this respect, CCC will not use Section 228 of the Highways Act 1980 to deliver access to a development where there is no other adoptable highway infrastructure within the site. The applicant needs to re-think this element.

#### **18 March 2020**

It is noted that the application is made in Outline form with only the means of access committed:

The following comments are therefore made without prejudice to the views of TA Team.

#### Summary

Therefore, in advance of the commentary of the TA Team, the applicant should be invited to:

1. Clarify the access dimensions proposed on a revised plan, together with pedestrian linkage/ connectivity;
2. Clarify how pedestrian and cycle access to Rowan Close can actually be delivered in relation to the application site edged red and the extent of the maintained public highway.

#### **CCC Local Lead Flood Authority – 2<sup>nd</sup> December 2020** (comments on revised proposal)

The LLFA remain supportive of the proposed development. Surface water from the additional plots will be managed by infiltration through permeable paving. The calculations and plans have been updated accordingly to reflect the additional impermeable area associated with the development. Request conditions regarding a surface water drainage scheme for the site.

## **21 September 2020**

No objection. The documents demonstrate that surface water from the proposed development can be managed through the use of infiltration basins, infiltration trenches and permeable paving, allowing surface water to infiltrate into the ground. This proposal is supported by sufficient BRE DG 365 infiltration testing.

The LLFA is supportive of the use of infiltration basins/ trenches and permeable paving as they provide water quality treatment which is of particular importance when infiltrating into the ground. Groundwater levels were recorded at 3 metres below ground level, providing a sufficient unsaturated zone between the base of proposed infiltration features and the groundwater level.

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

### **CCC Growth & Development –**

No Comments Received

### **CCC - Minerals and Waste Development Control Team - 11 March 2020**

Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy sets out a number of requirements in relation to waste management in new development. It has been noted that the matter of waste management does not appear to have been addressed within the submitted application documentation, nor does there appear to be any specific consideration given to this policy. To ensure compliance with Policy CS28 it is therefore requested that, should the Planning Authority be minded to grant planning permission, it is subject to an appropriately worded condition.

### **ECDC Waste Strategy - 23 March 2020**

East Cambs waste team would appreciate a completed copy of the RECAP Waste Management Design Guide for this site should it be given planning permission. Please note that as retirement properties will house elderly residents who are more likely to request assisted collections consideration should be given to reduce drag distances for bins and bags as much as possible in order to facilitate easy collections for all residents.

### **ECDC Environmental Health – 25<sup>th</sup> November 2020** (comments on revised proposal)

I have read revision 5 of the NIA dated 16<sup>th</sup> November 2020 and there are no fundamental changes which would alter my previous comments.

### **ECDC - Environmental Health - 16 April 2020**

I have read the Geo-environmental and Geotechnical Desktop Study dated December 2019 prepared by Campbell Reith and accept the findings. The site is at very low risk of land contamination and no further work is required. Due to the

proposed sensitive end use of the site (residential) I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission.

### **10 March 2020**

Due to the size of the development and the close proximity of existing properties (and also taking in to account the proximity to Hilton Park Care Centre) I would request conditions in respect of a CEMP, construction and delivery times as well as no piling and no external mechanical plan without the written approval of the LPA.

### **ECDC Conservation Officer – 18<sup>th</sup> September 2020**

No objection

The application is accompanied by a heritage assessment prepared by Cotswold Archaeology in line with Historic England's 2017 Good Practice Advice in Planning Note 3: The Setting of Heritage Assets. The report's characterisation of the heritage impacts as less than substantial harm to the closest assets (Bottisham House, Bottisham conservation area) affected and no impact to others is a fair conclusion and given the separation distances involved in the indicative layout, there are no fundamental conservation concerns.

### **ECDC – Housing Officer – 7<sup>th</sup> December 2020**

The Housing Team supports the above application in principle, as it will meet Policy HOU3 of East Cambridgeshire Local Plan 2015 to deliver 30% affordable housing on site. The precise number of dwellings is yet to be determined and full details will be agreed at Reserved Matters Stage.

- 5.2 **Statutory consultation** - 94 neighbouring properties have been notified of the application and the successive amendments. A site notice was erected on 12<sup>th</sup> March 2020 and was advertised in the Cambridge Evening News. The following comments are summarised below. The full responses are available on the Council's website.

#### *Visual amenity*

- Affect on Conservation Area
- Affect on Right of Access
- Affect on Right of Way
- Affect on Public Views
- Affect on Streetscene
- Affect on Greenbelt
- Landscape impact
- Form and character
- Loss of picturesque landscape
- Setting of Listed Buildings
- Loss of well-loved and valued meadow

### *Policy*

- Contrary to national and local policy
- Exceptional circumstances have still not been demonstrated
- Inclusion of C3 housing makes the case for building on the Green Belt even weaker

### *Biodiversity/ecology*

- Impact on trees/hedgerow/flora/fauna
- Foraging of bats, birds etc
- How to implement the 10% net biodiversity gain as required
- Declared climate emergency
- Biodiversity Impact Assessment virtually indecipherable and meaningless to the layman
- Biodiversity net gain calculator legitimate tool but can be mis-used

### *Flooding and Drainage*

- Groundwater issues

### *Highways and Access*

- Highway Safety
- Increased traffic congestion
- No capacity on existing roads
- Poor public transport
- Parts of site over  $\frac{3}{4}$  mile from village facilities
- Increased pressure on parking
- Traffic flows are inaccurate
- Existing footpaths along High Street too narrow
- Issue with targeted speed survey undertaken during COVID period
- Increase in quantum of development increases amount of traffic
- Pedestrian access from Rowan Close over land not within the applicant's ownership and no evidence to suggest the applicants have carried out their obligations for identifying and serving notice on the affected landowner.
- How will this access be implemented

### *Residential Amenity*

- Loss of privacy/Overlooking
- Loss of outlook
- Noise/light sensitive
- Overbearing
- Overshadowing
- Parking and Turning
- New pedestrian crossing increases pedestrians crossing back over the road
- Aircraft noise issue

## Other

- Pollution issues
- Three care homes already
- The extra housing would exacerbate existing infrastructure/services/facilities which are already over-stretched
- Original plan was for 250 houses and now revised to 170 dwellings
- Against interests of the community, money making venture
- Ownership and maintenance of new POS
- Does C2 attract CIL payments
- Clarity on demand not speculation of need
- Already have a functioning scout hut
- Brownfield site more suitable
- High concentration of elderly people
- Money better spent on starter homes as there is a shortage in the village
- Type of tenure not addressed
- Management of the site
- Employment opportunities – already a shortage of carers
- Data used by market research unreliable/unsubstantiated claims regarding reduction in hospital stays
- Misleading information on requirements for formal care
- Increase in criminal and anti-social behaviour
- Construction has a negative effect on environment
- Affordable housing allocation has already been met on BOT1 of the Local Plan.
- Sewage treatment works is at capacity

## **Bottisham Medical Practice** *(comment on revisions)*

We are writing to state our further objections to the proposed development of yet another large Nursing/Residential Home in Bottisham Village. We note the issues we previously raised have not been adequately addressed as follows:

1. The issue regarding adequate access around the village shop area has not been adequately addressed and would still not be able to accommodate additional traffic, mobility scooters etc. which would be a consequence of the development.
2. We would like to highlight feedback provided by CPRE regarding sites suitable for a retirement village, meaning there have been opportunities elsewhere to consider such a retirement village instead of choosing a location which already has a disproportionately high level of elderly care facilities:

*“CPRE are surprised by the following statement:*

*“National Green Belt purpose 5 encourages the redevelopment of urban land rather than the development of Green Belt land. The applicant has engaged with landowners and agents in the area to identify other potential sites that are of sufficient size to accommodate a retirement village development, are broadly in accordance with local and national policy when taken as a whole, and are available*



*for development now. This includes considering derelict and underutilised brownfield land with potential for redevelopment. No alternative sites have been identified that meet these criteria. The site at Bottisham Meadows is therefore the only site that can currently accommodate the proposed development.”*

*As this applicant’s consultant will be aware, major brownfield site developments are planned and/or commenced in the Cambridge area at Northstowe, Waterbeach and Bourn. Any of these sites could readily have included or could still include a “retirement village” of this size. We can only conclude that the applicant has not looked very far or very hard.”*

It is the view of Bottisham Medical Practice that the development of such a retirement village would be better placed in an area which does not already have three nursing homes and a care home with an already heavily weighted demographic of residents over the age of 65. This will ensure that we can continue to deliver vital healthcare services to those already living in the village and surrounding areas.

3. We would like to highlight the following comment made is a general comment and does not address the actual reality of Bottisham Village and the surgery which already looks after Hilton Park Nursing Home, Oakland, Eden View and Queens Court. This general statement is not the experience of Bottisham Medical Practice and we refer to our previous comments relating to the level of support we provide.

*“75. Sometimes NHS CCG teams are concerned about the impact of their local doctors surgeries. However, evidence indicates that there is a positive benefit, in line with the commentary above. Periodic surgeries can be made available in house within the scheme so a visiting GP can combine multiple consultations into one visit. The presence of on site care staff also reduces the number of unnecessary trips to GPs, thereby reducing waiting lists rather than increasing them. The concentration of individuals within one place should also assist in reducing the need for community nurses and there are obvious advantages of having residents within one geographic location.*

*76. Further, the pressure on GPs will not be a direct result of the proposed development – demand is not created, it is catered for and the new scheme will provide much needed facilities to help battle the rising demographic pressures across the area.“*

This area already has a disproportionately large amount of nursing and residential home provision compared to other areas of Cambridgeshire and Peterborough. The homes in Bottisham currently have availability for new residents. One of the nursing homes also has 19 interim beds providing interim care for patients being discharged from secondary care. There are approx. 40 interim beds in Cambridgeshire & Peterborough Clinical Commissioning Group. We are one of the smallest practices in this Clinical Commissioning Group caring for the highest proportion of these patients who require a significantly increased level of care compared to permanent nursing home residents.

We must be clear, in no way would the addition of another retirement home be a positive impact on the GP practice or the surrounding community. Residents of

advancing age naturally have multiple health conditions requiring advanced care planning, multiple visits and GP interventions and often palliative care which is very heavy on resource requirements.

The COVID-19 pandemic has also highlighted the dangers of grouping large numbers of clinically vulnerable people together in residential care whereby the virus spread at a rapid rate and resulted in the widely reported large death rates in elderly care facilities. Although it is highlighted patients will be in their own units the staff will be working across a wide number of units so does not decrease the risk of infection.

4. The recruitment and retention of staff has not been adequately addressed. The inability to recruit and maintain staff has a negative impact on resources at Bottisham Medical Practice. If the homes currently have issues with recruitment and retention the situation will only be made worse by an additional facility requiring an additional 150 staff.

Previous comments:

- our practice already provides care to two large residential and nursing homes within the village
- we already have a disproportionately high number of existing elderly patients relative to our small practice list size
- the development will impact detrimentally on our existing patient population
- evidence suggests that residential/nursing home residents have disproportionately high mortality rates from covid-19
- the development will impact adversely on levels of congestion and traffic within the village
- recruitment and retention of nursing care staff is likely to be problematic

**CPRE – 15<sup>th</sup> December 2020** (comments on revised proposal)

The Cambridgeshire and Peterborough Branch of the Campaign to Protect Rural England (CPRE) maintain their strong objection to planning application 20/00296/OUM, for all the reasons expressed in our letter dated 16th April 2020. CPRE continues to fully support the objections to and comments about this application previously and recently submitted by residents, Bottisham Parish Council and local District Councillors.

CPRE believes that the additional area of affordable housing proposed is not consistent with policies HOU 2 and HOU3 of the current Local Plan 2015.

CPRE fully supports the Planning Inspectorate's Dismissal of Appeal ref: APP/V0510/W/18/3210766, relating to 187, High Street Bottisham, the current site, dated 19th February 2019 and development on designated Greenbelt land.

CPRE notes that ECDC currently demonstrates a 5 year land supply and is in the process of completing and submitting a revised Local Plan. Despite the recent changes, this retirement village is not in keeping with the National Planning Policy Framework or the adopted 2015 Local Plan regarding the exceptional development of Green Belt land.

CPRE considers that this application remains an inappropriate development that will cause severe and lasting damage to the local landscape and to the village character of Bottisham. CPRE reiterates its request that this application be refused.

#### Previous comments

- CPRE fully supports the objections to and comments about this application previously submitted by residents, Bottisham Parish Council and local District Councillors.
- CPRE fully supports the Planning Inspectorate's Dismissal of Appeal ref: APP/V0510/W/18/3210766, relating to 187, High Street Bottisham, the current site, dated 19th February 2019 and development on designated Greenbelt land.
- CPRE notes that ECDC currently demonstrates a 3.7 year land supply and is in the process of completing and submitting a revised Local Plan. This retirement village is not in keeping with the National Planning Policy Framework or the adopted 2015 Local Plan regarding the exceptional development of Greenbelt land.
- CPRE considers that this application is for an inappropriate development that will cause severe and lasting damage to the local landscape and to the village character of Bottisham. CPRE requests that this application be refused.

## **6.0 THE PLANNING POLICY CONTEXT**

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing Mix
HOU 2	Housing density
HOU 3	Affordable Housing Provision
HOU 6	Residential Care Homes
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 14	Sites of archaeological interest
ENV 9	Pollution

- ENV 10 Green Belt
- ENV 11 Conservation Areas
- ENV12 Listed Buildings
- ENV14 Sites of Archaeological Interest
- COM 4 New Community Facilities
- COM 7 Transport impact
- COM 8 Parking provision

Village Vision: 8.5 Bottisham

## 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

Natural Environment

Climate Change

## 6.3 National Planning Policy Framework 2019

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

11 Making effective use of land

12 Achieving well-designed places

13 Protecting Green Belt land

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

15 Conserving and enhancing the natural environment

16 Conserving & enhancing the historic environment

## 6.4 Planning Practice Guidance

Due regard has been had to the guidance.

## 7.0 **PLANNING COMMENTS**

7.1 The material planning considerations relevant to this application are the principle of development, residential amenity, development within the Green Belt and visual amenity, historic environment, highway safety, ecology, flood risk and drainage and various other matters material to the application.

## 7.2 **Principle of Development**

7.3 The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status

of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

- 7.4 The C2 specialist housing as well as the affordable housing contribution would go towards meeting part of the overall housing need for the district. Since April 2020 the Council has been able to demonstrate an adequate 5 Year Housing Land Supply, as demonstrated first in its Five Year Land Supply Report - 1 April 2019 to 31 March 2024 (published April 2020) and later in its updated Five Year Land Supply Report - 1 April 2020 to 31 March 2025 (published December 2020). The latter report confirmed that from 1 January 2021 the Council had a 6.14 year supply of deliverable housing land. That calculation included a 20% buffer as required by paragraph 73 of the NPPF based on a 2019 Housing Delivery Test (HDT) result of 66%. The 2020 HDT result (published in January 2021) indicates that housing delivery in the district has improved to 87%. As a result of the HDT exceeding 85%, the appropriate paragraph 73 buffer falls to 5% which has the effect of increasing the Council's housing land supply to 7.01 years.
- 7.5 This adequate housing land supply means that the Council considers its policies relating to housing delivery up-to-date and gives them full weight in the determination of this application. As such the tilted balancing exercise as set out in para 11(d) of the NPPF is not enacted.
- 7.6 The provision of older persons housing with care, falls within the C2 Use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposal is in outline with only access being considered, however, the proposal would trigger the need for affordable housing due to the market housing element of the proposal, in line with the recent High Court case Rectory Homes Limited v SSHCLG and South Oxfordshire District Council [2020].
- 7.7 Policy HOU3 of the adopted Local Plan 2015 requires all developments for open market housing of more than 10 to deliver 40% affordable housing in the south of the District. Although an independent Viability Assessment published in October 2017 found that 30% would be a more viable position. This matter formed a previous reason for refusal on the report which was subsequently withdrawn from committee and the applicants have been given the opportunity to amend this element of the scheme. As a consequence, the introduction of 30% affordable housing in C3 use (approx. 51 dwellings) has been incorporated into the scheme.
- 7.8 Following the inclusion of the affordable housing element of the scheme, the indicative drawings have been amended to demonstrate how a scheme of this scale and size can be satisfactorily accommodated on the site.
- 7.9 The scheme proposes a Retirement Care Village to cater for individuals with a medium to high level of care requirements living in purpose-built or adapted flats/bungalows. Residents would be able to live independently with 24 hour access to support services and staff, including dining facilities, hair salon, fitness suite, activity workshops and recreational sports facilities such as a bowling green with some of these facilities being open to the general public. The accommodation

would be aimed at people within the 70-90 age bracket and would be available for sale on a leasehold basis or for market rent. The concept has been called 'private extra care' and the applicants note that there is only one other scheme similar to this which is located at Roslyn Court, Lisle Lane, Ely. The accommodation would comprise 170 beds across a range of accommodation types with a central hub which would be approximately 12m (39 ft) in height. There would be employment benefits both in the construction of the development and 82 full time equivalent jobs would accrue as a result of the development.

7.10 The site is located outside of the development envelope of Bottisham and within the Green Belt where development is strictly controlled. National and local planning policy states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The applicants have set out in the supporting information that there is substantial unmet need for private extra care units in the area and consider they have demonstrated 'there is both a compelling and quantitative and qualitative need for the proposed development' and this would outweigh any harm.

7.11 Policy HOU6 of the East Cambridgeshire Local Plan, 2015 relates to Residential Care Accommodation. The supporting text of the policy recognises the need in the District to provide care accommodation for various groups of people for rehabilitation, and out of hospital care, including the elderly, people with disabilities, and vulnerable people. Policy HOU6 states:

"Residential care accommodation should be located within a settlement that offers a range of services and social facilities. The design and scale of schemes should be appropriate to its setting and have no adverse impact on the character of the locality or residential amenity. Applicants will be expected to provide evidence of need for the provision.

As an exception, proposals for care or nursing homes may be acceptable on sites outside development envelopes where:

- The site is located adjoining or in close proximity to a settlement which offers a range of services and facilities, and there is good accessibility by foot/cycle to those facilities;
- The proposal would not cause harm to the character or setting of a settlement or the surrounding countryside; and
- There is an identified need for such provision that is unlikely to be met within the built-up area.

7.12 In terms of the need for a facility of this type in this location, in view of the current pandemic and how this continues to affect care facilities nationwide, an inaccurate picture would emerge concerning the number of vacancies within the current residential care homes at Hilton Park, Queens Court and Eden View which collectively cater for residential care within the village of Bottisham. It would not be appropriate to venture an opinion on current vacancy levels at this time. However, as pointed out by the Adult Care Commissioner, self-funder placements are available at these care homes. The County Council have stated that in Bottisham there is already very significant provision for residential care in the village

comprising of 147 beds at Hilton Park (Oaklands and the Care Centre) for Nursing and Nursing Dementia, a further 55 beds at Queens Court for Residential and Residential Dementia and 10 beds at Eden View for specialist nursing for younger adults. They do not feel that it would be necessary to increase capacity within Bottisham in terms of Residential, Residential DE, Nursing and Nursing DE provision.

7.13 From an Extra Care perspective, the County Council is still of the opinion that just because the development would be privately run would not change their view regarding the significant provision that already exists in Bottisham. There is currently a total of 149 units of Extra Care in East Cambs. These are located in Soham (Millbrook 87 units), Baird Lodge in Ely (35 units), Roslyn Court in Ely (57 units) and Ness Court in Burwell (27 units). Part of the North Ely development was also given outline approval for a residential care or extra care facility. Currently, there is no waiting list for people to move into extra care and this is not an unusual situation for these schemes. However, whilst there is a degree of certainty from the County that East Cambs is not, at this present time, a priority area for the development of new schemes, the requirements of an aging population would still need to be factored into future schemes commensurate with the level of growth experienced within the district.

7.14 Concerns have been raised in the letters of representation and in particular from the Bottisham Medical Practice, who have continued to state that their practice already provides care to two large residential and nursing homes within the village. With a disproportionately high number of existing elderly patients relative to their small practice list size, the development would have an impact on their existing patient population.

7.15 The following table also demonstrates recently approved and extant schemes that cater for residential care facilities, namely:

17/00880/OUM	<b>Outline planning application for 150 residential dwellings (Use Class C3), a 75-bed care home (Use Class C2), a local shop (Use Class A1) and an ancillary medical consultation facility (Use Class D1) along with public open space and associated infrastructure with all matters reserved other than the means of access into the site</b>	Scotsdales Garden Centre, 41 Market Street, Fordham	Approved, 8th August 2018
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	<b>from Market Street / Soham Road and Station Road.</b>		
19/00771/FUM	<b>Development of the land to provide a new 70-bedroom care home (Use Class C2), a children's nursery (Use Class D1), 18 dwellings (Use Class C3) and associated access, car and cycle parking, structural landscaping and amenity space provision.</b>	Land Parcel East of 2 The Shade, Soham	Approved, subject to S106 legal agreement (pending)
17/02002/FUM	<b>Erection of a three storey sixty six bed care home for older people with associated car park, access and landscaping.</b>	Land North of Cam Drive, Ely.	Approved, 6th April 2018
18/00752/ESO	<b>Sustainable 'Garden Village' extension to Kennett - residential-led development with associated employment and community uses (including care home and/or sheltered housing) and a new primary school with a pre-school (nursery) facilities, supporting infrastructure and open space/landscaping</b>	Land Southwest Of 98 To 138 Station Road Kennett	Approved 15.04.2020
13/00785/ESO	<b>Residential led development of up to 1,200 homes with associated employment and</b>	land to the west of Lynn Road in Ely	Approved 20.06.2016



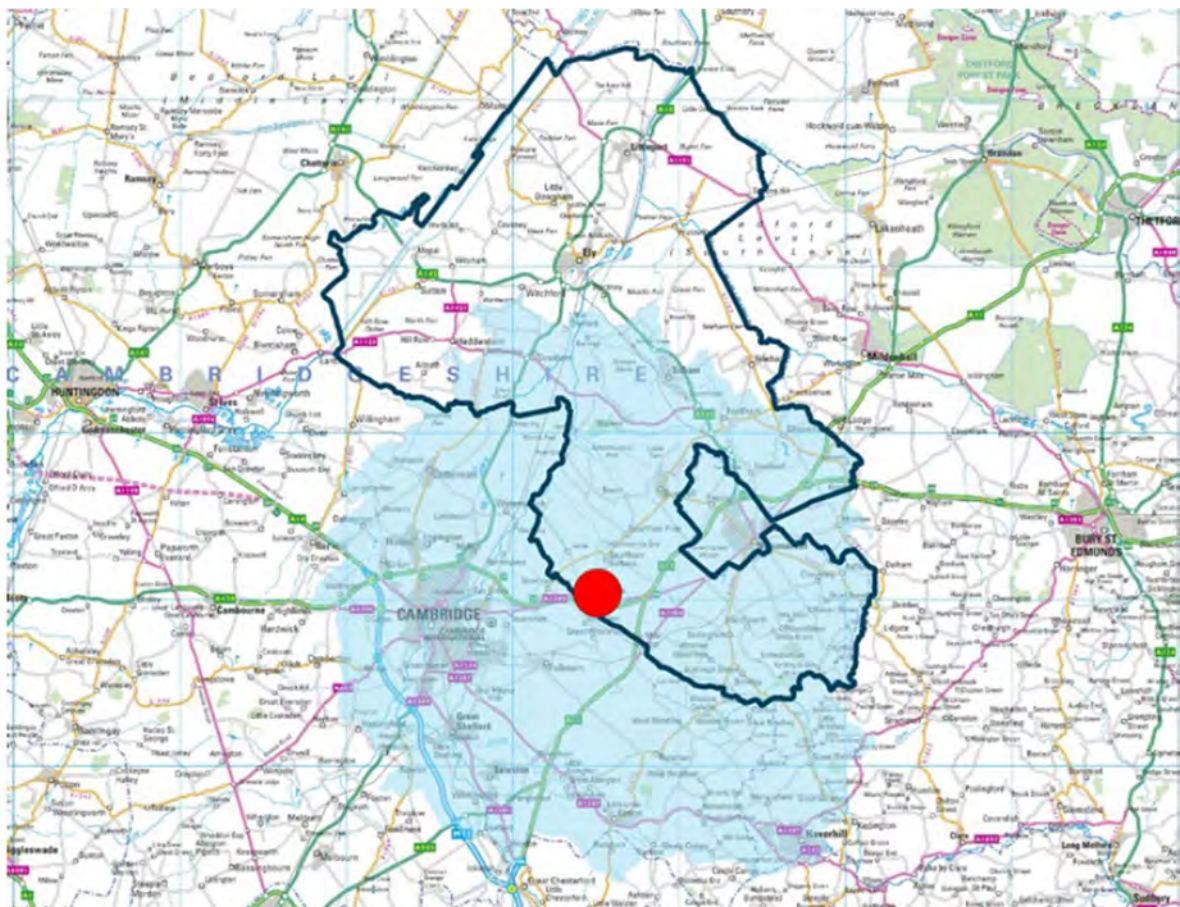
	<b>community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping</b>		
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- 7.16 Cambridgeshire County Council and Peterborough City Council have jointly produced their first Market Position Statement – 2018-2019 (MPS), for Adult Social Care which identifies the key pressures in adult social care and highlights the commissioning intentions and its direction of travel. The findings reveal that by 2026 the population is projected to increase by 40% (65-74 year olds), 66% (75-84 year olds) and 73% (85+ year olds) which would create significant funding issues. The MPS indicates that both joint authorities are experiencing difficulties in recruiting and retaining care workers. As a consequence, both Councils acknowledge that they need to explore how adult social care support can be undertaken differently. The MPS indicates that “people have better lives when they are supported to remain as independent as possible in and by their communities”. In East Cambridgeshire the MPS states that there is a significant shortage of nursing and nursing dementia placements; homecare capacity and shortage of personal assistants. This would be felt more acutely during the COVID-19 pandemic.
- 7.17 In terms of how adult social care for those who own their own home is managed, the joint Councils are currently developing a ‘Self-funder Strategy’ which will enable self-funders to access provision to maximise their independence. It is acknowledged, however, that information on accommodation for ‘self-funders’ is not readily available at the time of writing this report.
- 7.18 In this respect the applicants were concerned that this aspect was not fully supported in the original planning report, and as such, the type of accommodation being proposed was not recognised. The retirement care village is tailored for ‘self-funders’ who would downsize from their homes and purchase/rent a unit in the retirement village.
- 7.19 At present, self-funders pay for their accommodation and care within the many residential care homes and when those funds run out, the funding would then be taken over by the County. The concept of the retirement village is that those units are purchased/rented by the residents thus freeing up the spaces in the residential care facilities. However, the care provided would not be private health care, and as such, the concerns identified by the Bottisham Medical Practice are well founded as they could be faced with an instant increase in the number of frail and vulnerable adults who would, virtually overnight, become their patients. Whilst the applicants argue that additional doctors could be hired, it is important to stress that until the medical conditions of each new resident are known then the current funding available may not meet with the range and volume of medical conditions displayed by residents, all of whom would be newly added to the GP surgery. Moreover, medical conditions would increase and/or deteriorate in range and severity as time went by. The medical practice would forever be playing catch-up. Irrespective of this the County Council Adult Care Commissioner is still of the view that Bottisham

is well supported by its existing care provision such that this facility is not required within the village.

7.20 The applicants have submitted additional information in the form of a letter dated 29th September 2020 by Carterwood, who prepared the Planning Need Assessment (PNA) for the original planning application submitted in February 2020, and a report entitled Advice on Health and Social Care for the development of a retirement care village.

7.21 The PNA submitted with the application states that ‘on average, residents travel 19.6 miles from their previous homes to move into a well specified private extra care village’, with 30% of residents coming from 10 miles away or more and that there is a “significant under-supply of private extra care with an indicative demand for over 555 units in the market catchment area and 218 in the East Cambs area”. Whilst the resultant lack of private extra care as a percentage of the overall provision has not been stated, it is estimated that just 13.5% of existing private extra care provision is available in the market catchment area, with only 20% within the East Cambs area. For information purposes, a map of the market catchment area is indicated below. Clearly, there is a significant under-supply of private extra care within the market catchment area, much of which falls outside of the district of East Cambridgeshire.



7.22 The PNA then suggests that the local authority is only seeking to meet the needs for those individuals in funded beds in care homes rather than the significant proportion of individuals who would need to fund their own care in a care home. As a

consequence, “there is little extra care accommodation for private purchase or market rent in the two assessed catchments”. However, as Bottisham is located on the district border with Central Cambridge/South Cambridgeshire, it would be fair to say the development would be more attractive for those residents living in the south of the district or Central Cambridgeshire rather than to the north of the district within Ely, Littleport or even Soham where the Council is concentrating its areas for growth, in accordance with the locational strategy as set out in policy GROWTH 2 of the Local Plan, and where the Council would focus residential care facilities to enable more people to access this type of facility, albeit Soham is within the market catchment area.

- 7.23 In referring to the Sheffield Hallam/CRESR Report [Nov 2017] the PNA quotes that “There are signs that general needs housing may present problems for older people, with 37 % of private sector stock (across Cambridgeshire) failing to meet Decent Homes Standards and containing hazards which increase the chance of trips and falls”.
- 7.24 In conclusion, the Sheffield Hallam/CRESR reports that “If home adaptations, as has been suggested<sup>1</sup>, can delay entry into residential care by four years, then the impact of this on the flow of residents into such specialist housing and residential settings may be significant. Add to this the potential to build new homes to the Part M4 specifications, and this may diminish demand for specialist housing, with potential secondary impacts on domiciliary care”.
- 7.25 Whereas this report refers to the Greater Cambridge area and parts of South Cambridgeshire, in East Cambridgeshire the district recognises the need of providing housing for potentially vulnerable elderly and single person households and aims to ensure that a proportion of new housing built is suitable, or easily adaptable for occupation by the elderly or people with disabilities (Lifetime Homes Standard or equivalent). Moreover, all new homes would be required to meet Part M of the Building regulations which recently introduced two new optional accessibility standards. It would also need to be considered that a percentage of elderly people would wish to remain in their homes for as long as possible and not move away from what is known to them. Building new homes to the ‘lifetime homes standards’ assists in enabling people to live independently, a fact that the Sheffield Hallam/CRESR recognises.
- 7.26 The document entitled ‘Advice on Health and Social Care for the development of a retirement care village’ has been submitted by the applicants and reviews strategic documents relating to the commissioning of primary care and adult social care, as well as its meetings with local stakeholders with a view to highlight relevant information that either supports or opposes the development.
- 7.27 The key findings of this document are that the retirement village would:
- meet the strategic health and social care needs of the community;
  - meet the needs of the over 65 population who are homeowners;
  - be centred around a social hub which allows integration with other members of the development.

- 7.28 In reviewing the information submitted and without the benefit of the 'Self-Funder Strategy' which is being prepared by Cambridgeshire County and Peterborough City Councils, the Council would not disagree with the applicants view that 'self-funders' are under-represented within the overall health care strategy for which this type of retirement village would provide. Clearly, this form of accommodation would reduce the cost of the accommodation on offer and would provide an alternative to the standard residential care facility and an opportunity to buy into a retirement care village with healthcare provided by the NHS. However, by demonstrating that this is an attractive alternative, does not automatically suggest this should outweigh the harm proposed by the location of the proposal within the Green Belt.
- 7.29 The applicants consider they have demonstrated that very special circumstances exist and that the need for a facility of this size, scale, bulk and massing outweighs any harm to its location in this part of the Bottisham Green Belt. The applicants have stated that there are no sequentially preferable sites to provide this development, although no evidence has been submitted to support this. The benefits of a retirement care village have been explained and have been noted. However, whilst the information submitted alludes to there being no other suitable sites within the District for this type of development, including non-Green Belt sites, no information has been provided to demonstrate this fact. The applicants have therefore failed to provide conclusive information as to which sites have been considered and discounted. For the site, which is located outside the development envelope, and within the Green Belt, very special circumstances would need to have been demonstrated to outweigh the harm to the special character of the Green Belt. Moreover, a similar application (albeit, not located within East Cambridgeshire) has been dismissed at appeal, due to the fact that special circumstances had not been demonstrated and its impact on the openness of the Green Belt, historic environment and visual detriment. A copy of the appeal decision (APP/B1930/1/19/3235642) is attached as Appendix 1.
- 7.30 It is still considered that very special circumstances have not been demonstrated and that the scheme does not fall within any of the exception criteria stipulated in Policy ENV10 or Chapter 13 of the NPPF and would have a substantially greater impact upon the openness of the Green Belt than existing and would result in substantive harm to the openness of the Green Belt.
- 7.31 The impact on the landscape character and visual amenities of the area is considered to be irrevocably harmed by the proposed development. The inclusion of the affordable housing within the north-western section of the site erodes further its openness. The site is located outside of the development envelope and in terms of Policy GROWTH 2 the location of development would be restricted unless it falls within one of the exceptions listed in the policy. Whilst residential care homes (and affordable housing exception schemes) are exceptions listed, and would be accepted under this policy, it would also need to satisfy the aims and objectives of Policy HOU6. As demonstrated in paras 7.12 – 7.15 there are already a number of residential care homes in Bottisham, with vacancies, moreover, there is no waiting list for people to move into extra care, albeit at the time of writing this report the country is experiencing a pandemic which has seriously affected the way in which residential care is provided. The position of the buildings which project into open countryside is further compounded by the indicative height and layout of the

scheme contributing to an urbanising effect on the eastern side of Bottisham which would harm the special character of this part of the village and would be contrary to Policies ENV1 and ENV2 of the adopted Local Plan 2015.

- 7.32 In terms of impact on pedestrian and highway safety, additional information has been submitted to the satisfaction of the Transport Assessment Team at Cambridge County Council who have removed their holding objection subject to mitigation measures imposed by condition. The scheme is considered to provide safe access to the site and would not result in implications on highway and pedestrian safety.
- 7.33 It is considered that an acceptable level of residential amenity can be adequately provided for existing and future occupiers of the site, subject to further details required on the positioning of some bedroom windows to ensure noise level are kept at an acceptable level, without relying on mechanical ventilation. The impact on existing residential amenity is also considered satisfactory.
- 7.34 The applicants have also demonstrated to the satisfaction of the Wildlife Trust that there could be a net environmental gain represented on site (subject to further information being submitted at the detailed design stage), and that a suitable sustainable urban drainage strategy can satisfactorily accommodate surface water drainage. There is also existing capacity within the sewerage network to accommodate the increase in development.
- 7.35 The scheme would also provide a number of community facilities which would be available to those outside of the retirement care village.
- 7.36 In terms of the NPPF, the harm to listed buildings, being less than substantial, should be weighed against the public benefits of the proposal including where appropriate, securing their optimum viable use. As noted within the relevant section of the report, the proposal provides a number of community benefits in the form of public open space and the retention of public viewpoints both of which are public benefits. The degree of harm is considered to be less than substantial in terms of the NPPF and within the lower end of the spectrum of harm. The impact on the historic environment is considered to be acceptable.
- 7.37 To conclude it is considered that the case for very special circumstances to overcome the, in principle and actual harm to the openness of the Green Belt, has not been made and the proposal would result in significant harm to the openness of the Green Belt and result in the urbanisation and domestication of the site and a loss of the characteristics of this part of the Bottisham Green Belt. The proposal is therefore not considered acceptable in principle.

### **7.38 Residential Amenity**

- 7.39 The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers.
- 7.40 Bearing in mind the size of the site and the indicative location of the development, it is accepted that the scheme would be able to achieve a satisfactory relationship with existing residential development and would not detrimentally impact on the

residential amenities in terms of overlooking, visual intrusion, loss of privacy as well as any loss of sunlight/daylight and that these issues could be comprehensively assessed at the reserved matters stage.

7.41 Within the PNA, the applicants have emphasised the health and wellbeing benefits of living within a retirement care village with its own dedicated services and facilities which would benefit older people residing at the site. The applicants state that this would improve the quality of life of elderly residents, who would normally be living alone and isolated, and who would live as part of a community, supported and cared for. In this respect the living environment of future occupiers of the site would be acceptable.

7.42 The applicants have submitted an Acoustics Report [Hoare Lea LLP – November 2020] which has measured survey data to assess the suitability of the site for development of the residential units. The report finds that the existing noise is determined by road traffic movements on the A14 and A1303. The Council's Environmental Health Officer has commented on the proposal stating that on examining the illustrative Masterplan the site has been sensibly laid out, but once the final layout has been agreed a revised Noise Impact Assessment should be submitted. In any event for the avoidance of doubt the Council would request a condition preventing the installation of any external mechanical plant on any future reserved matters application.

7.43 It is considered that the proposal could achieve a satisfactory living environment for both existing and future occupiers and these matters would be comprehensively assessed at the reserved matters stage. The proposal therefore complies with ENV2 of the adopted Local Plan 2015.

#### **7.44 Development within the Green Belt and Visual Amenity**

7.45 Section 13 of the NPPF - Protecting Green Belt Land at para 143 states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.

7.46 Policy ENV1 of the Local Plan 2015 requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV2 of the Local Plan 2015 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas.

7.47 Policy ENV10 of the adopted Local Plan 2015 is in general conformity with the NPPF, in that where development is permitted within the Green Belt it must be:

- Located and designed so that it does not have an adverse effect on the rural character and openness of the Green Belt; and
- Subject to landscaping conditions, together with a requirement that any planting is adequately maintained to ensure that any impact on the Green Belt is mitigated.

7.48 The Applicants have suggested that there is an inconsistency within the wording of Policy ENV10 in that it conflicts with the NPPF by adding a further test that development must not have an adverse effect on the rural character and openness of the Green Belt. However, design and location are pre-requisite requirements of 'appropriate development' and relate to those uses which require a rural setting and preserve the openness of the Green Belt.

7.49 Development will therefore be strictly controlled, and generally linked to those uses which require a rural setting and preserve the openness of the Green Belt. Para 145 of the NPPF sets out clear guidance on the types of buildings and development that may exceptionally be permitted in Green Belt areas, as listed below:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.50 Paragraph 146 of the NPPF also states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.51 The proposed development of the site for a Retirement Care Village does not fall within any of the above criteria and therefore does not meet the requirements of the NPPF. However, 100% affordable housing on exception sites would meet with criteria f) of para 145 of the NPPF and Policy GROWTH 2 of the adopted Local Plan 2015. Given that the affordable housing element of the scheme is a direct consequence of the proposal for a retirement care village/C2 residential use proposed, then this cannot be considered in isolation but rather as a component of the scheme proposed.

7.52 The NPPG sets out what characteristics can be taken into account when assessing the impact of a development upon openness. It sets out that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant as could its volume;
- The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- The degree of activity likely to be generated, such as traffic generation.

7.53 The applicants have revised the Green Belt Assessment (GBA) - November 2020 which was submitted with the original application and refers to the Cambridge Inner Green Belt Boundary Report for Cambridge City Council and South Cambridgeshire District Council. The GBA notes that “key views of Cambridge would not be affected, and that the proposal would extend the existing village edge but no further north than the existing development on Beechwood Ave”. It does concur that the development would extend beyond the development at Hilton Park to the east, although “would not reduce the physical gap”. The part of the site on which the development is proposed measures approximately 4.12 ha (10.18 acres) and the proposal would encircle Field 1. The GBA considers the scheme would bring the field within the village”. But notes “there would be a change in outlook from the properties which have existing views across the site, particularly those with views of Field 2, thus diminishing the rural setting of small areas of the village edge”. As such, “development of the site would result in a degree of encroachment on the countryside in conflict with NGB Purpose 3”.

7.54 It is pertinent at this point to remind members that there are five purposes set out in para 134 of the NPPF referred to in the GBA as NGB [National Green Belt]. These are:

- A) To check the unrestricted sprawl of large built-up areas;



- B) to prevent neighbouring towns merging into one another;
- C) to assist in safeguarding the countryside from encroachment;
- D) to preserve the setting and special character of historic towns; and
- E) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.55 The GBA further states that the “proposed retirement care village buildings would have a total footprint of approximately 8,000sqm (8,611sft) and a max height of 12m (39.3 ft). The total footprint of affordable housing units would depend on the number of units required at reserved matters stage and would have a max height of 8.5 m. (27.8ft). In spatial terms this represents a significant volume of built development within the Green Belt” it goes on to state that “in addition there is likely to be external walls, fences, steps, ramps lighting signage garden features, roads, footpaths and parking as well as an increase in activity”. It concludes that “Overall, therefore, the development proposals will have an adverse effect on the openness of the Green Belt.

7.56 The degree of harm has also been assessed, with the GBA finding 2 aspects of harm namely, NGB purpose 4 and Cambridge Green Belt purpose 2 arising from the extension of Bottisham Village into the application site.

7.57 The Assessment identifies that “the proposed development will result in a loss of openness of the GB. The volume of new development will be significant, and there will be a change to the visual perception of openness and the degree of activity associated with the site as a result of the development. They will be apparent within the site itself and the area of the GB parcel close to the site, but the effects on the GB parcel beyond the site will reduce as the tree planting proposed along the site boundaries matures, resulting in a Moderate degree of harm arising from loss of GB openness. In relation to Policy ENV10, the proposed development will have a moderate adverse effect on the openness of the GB but no effect on its rural character”.

7.58 It is of concern, however, that the applicants consider the significant degree of harm to the Green Belt beyond the site would reduce as the tree planting matures resulting in “moderate harm” even though within the site itself the change to the visual perception of openness could never be mitigated. What is being proposed is an attempt to conceal the scale, bulk and massing of buildings in engineered long range views through gaps in the building line or by locating the main building behind an existing line of trees, which it is proposed to reinforce with additional landscaping. Notwithstanding the fact that years may elapse before the newly planted trees form an adequate screen to disguise the development, the art of applying soft landscaping within any new scheme should be a means of framing the development, not obscuring it. The National Design Guide, Section 11 “requires development to respond to existing local character and identity which is made up of typical characteristics such as the pattern of housing, and special features that are distinct from their surroundings.” Relying on landscaping features to obscure development is not a concept of good design and is contrary to the aims and objectives of Policy ENV2 of the adopted Local Plan, in that the design of development which fails to have regard to local context including architectural traditions and does not take advantage of opportunities to preserve, enhance or

enrich the character, appearance and quality of an area will not be acceptable and planning applications will be refused.

- 7.59 In para 7.29 of the Report to Committee, Members attention was drawn to an appeal decision for a retirement care village comprising a 64 bedroom care home, 126 assisted living bungalows and apartments, a community clubhouse etc on a horticultural site within the Green Belt in Chiswell Green, St Albans, which was dismissed at Appeal (APP/B1930/1/19/3235642). See Appendix 1. The Inspector considered “*the determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. However, very special circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other consideration. Consequently, for the appeal to succeed, the overall balance would have to favour the appellants’ case, not just marginally, but decisively.*” The Inspector concluded that: “*despite the considerable merits of the development, the inherent conflict with the development plan and national policy with regard to harm to the Green Belt, designated heritage assets and character and appearance, lead me to conclude that the very special circumstances necessary to justify the proposed development have not been demonstrated*”.
- 7.60 The proposed development in Bottisham would result in an expanse of buildings sprawling across the northern, western and eastern edges of the site as well as the access road and parking areas. Whilst the indicative layout would result in the retention of parts of the pasture and arable land, mitigating some of the negative effects of the built form on the openness of the Green Belt, the proposed indicative layout would introduce numerous buildings along these boundaries which are currently devoid of any buildings.
- 7.61 A Landscape and Visual Impact Assessment (LVIA) [Viridian Landscape Planning – November 2020] has been submitted with the application and this document places the site within the Chalklands Landscape Character Area (LCT) (Cambridgeshire Landscape Guidelines), defining the large-scale landscape by large fields, bold shelter belts and sweeping masses of woodland. The Report continues that the site also has some of the characteristics of the Lowland Village Chalkland LCT in that it is low-lying with medium to large sized fields enclosed by hawthorn hedges.
- 7.62 It is acknowledged that its Green Belt land use designation does not imply landscape value or a valued landscape, the fact that the landscape falls within the green belt is just another material consideration to be assessed in the evaluation of the planning application. However, as described above the flat, open semi-parkland character populated by groups of mature walnut trees does lend a tranquil setting to the village and from views into the site from the Public Right of Way (PROW). This PROW runs the complete length of the western boundary and forms a key setting for the Conservation Area and the Listed Buildings within the south western section of the site.
- 7.63 In concluding, the LVIA states that adverse landscape effect of *moderate significance* on the landscape character of the site are predicted for both the northern and southern fields during the construction but would reduce to *minor significance* by 15 years after completion due to maturing planting.

- 7.64 The visual effects have been taken from eight viewpoints, each of which have two more receptor groups. Adverse visual effects of *major significance* are predicted for pedestrians/walkers at only three viewpoints all of which are close to the site, on or near PROW 25/10 along the western boundary during construction and on completion. However, these are predicted to reduce to *moderate significance* after 15 years with maturing mitigation planning.
- 7.65 Clearly the impact on visual amenity has been a key consideration in the indicative layout which sites most of the built environment within the north-western and north-eastern corners of the site, leaving much of the remaining site for landscaping and public open space.
- 7.66 However, in placing buildings completely along the rear boundary which abuts open countryside, the proposal would extend the amount of built environment further into the countryside than any of the existing areas of built form found in the eastern part of Bottisham village. The application proposes and shows indicatively a 12m (39ft) high building with car parks catering for approximately 176 vehicles as well as new road layouts with an additional 51 affordable (approx.) housing units which would extend the line of existing dwellings from Rowan Close into the site.
- 7.67 It is considered the development would dominate the area and the skyline in this part of the site. Bearing in mind that most of the district is represented by flat low lying pasture land, then this edifice would mask the views currently experienced along the PROW, and in effect mask the current views of the open countryside beyond. Not only does the proposal extend beyond the defined development envelope for Bottisham but it introduces a discordant form of development totally at odds with the prevalent character of development represented in Bottisham. It also alters the visual effects and extends directly into undeveloped and open Green Belt land with no exceptional circumstances applicable.
- 7.68 It is considered that on the basis of the submitted information that the development of this site to provide a 170 bed retirement care village plus approximately 51 affordable dwellings would have a substantially greater impact upon the openness of the Green Belt than existing and would result in substantive harm to the openness of the Green Belt. The scheme would result in the urbanisation of this area beyond existing development resulting in a negative and built-up environment and as a result the substantial harm caused to the openness of the Green Belt demonstrably outweighs the public benefits of the scheme.
- 7.69 Overall the proposal is considered to be inappropriate development that is harmful to the openness of the Green Belt. Whilst it is acknowledged there would likely be a need for C2 residential accommodation for self-funders, it is still not clear what that level of need is. Furthermore, the applicants have not demonstrated a sequential approach has been taken with regard to identifying more suitable sites on non-Green Belt sites, such that no very special circumstances have been demonstrated to outweigh the actual harm. The development would therefore result in a substantial loss of openness and would conflict with the purposes of the Green Belt.
- 7.70 It is considered that the proposal, for the reasons outlined above, would have an adverse effect on the rural character and visual amenities as well as the openness

of the Green Belt. As such it is considered to fail to comply with the NPPF and Local Plan policy and comprises inappropriate development.

## **7.71 Historic Environment**

- 7.72 Policy ENV14 of the Local Plan requires that development proposals at or affecting all sites of known or potential archaeological interest will have regard to their impact upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains, heritage assets and their settings. Policy ENV14 further requires the submission of an appropriate archaeological evaluation/assessment by a suitably qualified person. This initial work may be required prior to the submission of a planning application.
- 7.73 The application has been accompanied by an Archaeological Evaluation Report [Cotswold Archaeology dated November 2020]. The report found that the majority of the artefactual evidence found across the site proved post-medieval or modern in date. This is considered to be not unexpected given that the site has been under continuous agricultural cultivation.
- 7.74 The County Archaeologist has raised no objection to the scheme subject to further investigation. A suspected human cremation burial (likely to be prehistoric, requires further examination) and a number of late Saxon to Medieval features not connected with agricultural process was found in discrete areas of the site. These would require investigation prior to any construction activity, were the site to be granted consent. The evaluation confirmed that no remains of national importance were present. It is therefore considered that the harm to any potential archaeological remains could be mitigated through further work being undertaken.
- 7.75 In terms of the impact on the Conservation Area and Listed Buildings the scheme has been accompanied by a Heritage Statement [Cotswold Archaeology dated November 2020]. Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Policy ENV11 of the adopted Local Plan 2015 seeks to ensure that development proposals preserve or enhance the character or appearance of conservation areas and Policy ENV12 requires new development that affects the setting of a Listed Building to only be permitted where they would preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset, nor materially harm the immediate or wider setting of the Listed Building.
- 7.76 The site is located in proximity to a number of designated heritage assets with parts of the southern area extending into the Bottisham Conservation Area. The report states that given its proximity to the site, Bottisham House (Grade II Listed) would be most notable. The significance of Bottisham House predominantly derives from its evidential (architectural) and historic values as well as the contribution of its setting. The approach along the driveway to the House would be maintained and the important points of appreciation of the house itself would remain unaltered. However, the development would alter how the house is experienced due to a change in the views northwards and eastwards from the upper storey and as a result of change to the designed view through the Clairvoyee.

- 7.77 The Council's Conservation Officer still considers the Heritage Statement's characterisation of the heritage impacts as less than substantial harm to the closest assets (Bottisham House, Bottisham Conservation Area) affected and no impact to others is a fair conclusion and given the separation distances involved in the indicative layout, there are no fundamental conservation concerns.
- 7.78 The degree of harm is considered to be less than substantial in terms of the NPPF and within the lower end of the spectrum of harm. As such, caselaw makes it clear that s66 of the Act requires consideration, importance and weight to be afforded to that harm. The NPPF and Policies ENV11, ENV12 and ENV14 emphasise that the conservation of archaeological interest is a material consideration in the planning process.
- 7.79 In terms of the NPPF, the harm to listed buildings, being less than substantial, should be weighed against the public benefits of the proposal including where appropriate, securing their optimum viable use. As noted above, the proposal provides a number of community benefits in terms of public open space and the retention of public viewpoints both of which are considered to be public benefits.
- 7.80 It is considered therefore that the scheme would not adversely affect the character and amenities of the conservation area and listed buildings located within close proximity to the site.
- 7.81 Highway Safety and Access**
- 7.82 Policy COM7 of the adopted Local Plan requires that all development must ensure a safe and convenient access to the public highway. It also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.
- 7.83 Bottisham is described in the adopted Local Plan 2015 as a relatively large village situated approximately 7 miles east of Cambridge and 6 miles west of Newmarket. Local amenities include a public house, shop and post office, GP surgery, library, primary school and Bottisham Village College. There is a bus service located within 100m of the site and this service has a frequency of a bus every 2 hours. The Bottisham Greenway cycle route is also planned to connect Bottisham to Cambridge, however this is located approximately 7 miles away and is unlikely to be used by residents of the retirement village.
- 7.84 The proposal would introduce a new site access between Nos 143 and 163 High Street of 5.5m in width with a 2m footway on either side for both pedestrians and vehicles. The site access would run parallel with the western boundary as far as the line of properties in Beechwood Avenue whereupon it veers towards the centre of the site. A new pedestrian entrance is proposed to the north-west of the site from Rowan Close.
- 7.85 The scheme has been re-assessed by the Local Highways Authority Transport Assessment Team who have removed their holding objection to the scheme as additional information has been provided. The Transport Assessment now includes the latest 60 months' accident record data obtained from CCC together with an analysis of any trends or clusters. The data reveals that there were no accident

clusters and the recorded accidents were not involving a number of vulnerable road users.

- 7.86 In terms of the capacity assessment the applicants have provided details to the satisfaction of the Transport Assessment team. The High Street/A1303 junction would operate within capacity in both the am and pm peaks. The site access with the High Street junction also indicates that the junction would operate within capacity in both the am and pm peaks.
- 7.87 The Highways Authority have considered the vehicle trip rates using the TRICS database which they consider to be robust, with vehicle trip rates calculated using the (0.176 two-way vehicle trip rate in the AM peak and 0.184 two-way vehicle trip rate in the PM peak). On this basis it is agreed that the proposed development would generate up to 30 two-way car trips in the AM peak hour and 31 two-way car trips in the PM peak with approximately 90% of the vehicle trips coming in and out the site from the south east via A1303 West bound (80%) and 10% from the A1303 East bound.
- 7.88 The Highways Authority have also agreed with the following Traffic Flow scenario.
- 2019 baseline validated against queue length surveys:
    - Future year scenario no development (base + TEMPRO growth + committed development)
    - Future year scenario with development (base + TEMPRO growth + committed development + development)
- Capacity Assessment  
The following junction has been modelled with Junctions 9:
- High Street / A1303 junction.
  - Site access / High Street junction.
- 7.89 The Transport Assessment team are therefore no longer objecting subject to a range of mitigation measures which can be submitted at the detailed design stage
- 7.90 From a highway's development management perspective, the Local Highway Authority requested additional information regarding a number of original concerns which have now been addressed in amendments to the scheme. Namely, the widening of the footway opposite the site towards the village centre to 2.0m which has now been incorporated in the access layout plan.
- 7.91 Initially, the applicant suggested there are footways on both sides of the High Street at the entrance into the site but there are no pedestrian crossing places at or near the access of the development, and in view of the low flow of traffic coupled with the frequency of dropped kerbs, enabled safe crossing of the road. However, the Highways Authority objected and it is now proposed to place a crossing point north to south adjacent to the site access with a return crossing point required in the vicinity of the bus stop and this could be secured by condition for submission of detailed engineering drawings.
- 7.92 The footway widening would also necessitate the relocation of the existing Vehicle Activated Sign (VAS)/ School warning sign (to the west of the new access on the

south side of High Street). Relocating the VAS to the back edge of the widened footway (circa 500mm) would be acceptable in traffic and safety terms, and forward visibility to the sign would not be compromised. Undergrowth on the adjacent highway verge would need to be cut back, and overhanging/ encroaching tree growth cleared to implement the footway link.

- 7.93 For the avoidance of doubt, the proposed vehicular access and pedestrian crossing points can achieve appropriate visibility/ vehicle sight stopping distance in all respects, with due regard to the nature of High Street.
- 7.94 With regard to the pedestrian/cycle access from Rowan Close initially the Local Highways Authority raised a concern that the extent of the public highway adjacent to Rowan Close terminated at the back edge of the adjacent footway. Furthermore, the application site edged red did not appear to abut the highway. Accordingly, it was unclear how any access to Rowan Close could be delivered. The applicants have now submitted revised drawings where the red line has been extended to meet the back edge of the footpath adjacent to Rowan Close and this would allow pedestrian and cycle access into the site. The applicants have also signed Certificate C of the application form which certifies that all reasonable steps have been taken to find out the names and addresses of the other owners of the land. An advert was also placed in the Cambridgeshire press on 18<sup>th</sup> November 2020 to announce the applicants' intention of developing this site.
- 7.95 A Technical Note dated 29<sup>th</sup> September 2020 has been submitted wherein the applicants referred to the use of S228 of the Highways Act 1980 to deliver the footpath/cycle path link to Rowan Close across third party land. To clarify, Section 228 allows for the making up of land with no known owner as highway maintainable at public expense. The Local Highways Authority in their response dated 9<sup>th</sup> December 2020 have indicated that a S278 Agreement would be required to be completed between the developer and the LHA to secure the implementation of any works within the public highway, supported by appropriate technical submission.
- 7.96 Both the Highway Development Management and Transportation Teams are no longer raising an objection to the proposal and on this basis the scheme would comply with Policy COM7 of the adopted Local Plan and is considered acceptable.
- 7.97 Parking**
- 7.98 Policy COM 8 of the adopted Local Plan requires development proposals to provide adequate levels of car and cycle parking.
- 7.99 According to the information submitted the proposed redevelopment will provide 176 car parking spaces to serve staff, visitors and more able residents, which is higher than the East Cambridgeshire District Council parking standards of up to 1 car space for each resident staff member, plus up to 1 space for every 2 non-resident staff members and up to 1 car space per 4 residents. Secure cycle parking will be provided in line with the ECDC Minimum Standard provision of one space per three staff members and one space per dwelling.

- 7.100 In addition, there would be a requirement for 2 parking spaces per dwelling for the affordable dwellings proposed, as well as visitor parking. If the application were to be approved, these details could be submitted at the detailed design stage.
- 7.101 The scheme would comply with Policy COM8 of the adopted Local Plan 2015 and is considered acceptable.

### **Ecology**

- 7.102 Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the council will among other criteria, promote the creation of an effective, functioning ecological network.
- 7.103 Para 175 of the NPPF is also relevant and highlights the importance of biodiversity and habitats when determining planning applications. In July 2019 the Government confirmed their intention to make biodiversity net gain mandatory in England for all development. The emerging 'standard' by which environmental gain is calculated is the DEFRA Biodiversity Metric 2.0 test.
- 7.104 As a consequence, the Council have adopted a Natural Environment Supplementary Planning Document in September 2020, and this provides guidance for new development to protect and encourage the biodiversity and ecology interests on site.
- 7.105 The application site comprises two fields, one used for grazing purposes and the other for arable crops. These are bounded by hedgerow and trees, including protected trees.
- 7.106 The proposal has been accompanied by an Ecology Impact Assessment [BSG Ecology – December 2019] and Biodiversity Net Gain Assessment [BSG Ecology – November 2020]. A Desk Study and an extended Phase 1 Habitat Survey were undertaken in April 2019. The findings of these surveys reported that there are no designated sites on or close to the site. The site supports the following Habitats of Principal Importance:
- Hedgerow
- Broad-leaved woodland
- 7.107 The sites supports a number of walnut trees in a parkland setting that have ecological 'veteran' features that makes this habitat of County interest.
- 7.108 The Devil's Dyke Special Area of Conservation lies 3.7km north east of the site and Bottisham Park County Wildlife Site lies 580m north with Heath Road/Street Way Green Lanes County Wildlife Site 1km south-east of the site.
- 7.109 Protected species interest is limited to no more than local importance. A summary of the evaluation of ecological features is provided below:



Feature	Scoped in / out based on desk study and field survey	Evaluation of Importance	Present on site
<b>Sites</b>			
Statutory (SAC, SSSI, LNR)	Scoped in	International & National	No
Non-statutory (CWS)	Scoped in	County	No
The development site	Scoped in	Local	Yes
<b>Habitats</b>			
Arable and with field margins	Scoped in	Site	Yes
Hedgerow	Scoped in	Local	Yes
Semi-improved grassland	Scoped in	Local	Yes
Parkland and scattered trees	Scoped in	County	Yes
Broad-leaved woodland	Scoped in	Site	Yes
Scattered scrub	Scoped in	Site	Yes

Feature	Scoped in / out based on desk study and field survey	Evaluation of Importance	Present on site
<b>Protected species</b>			
Bats	Scoped in	Local	Likely foraging and commuting
Badger	Scoped in	Local	No setts; likely foraging
Domouse	Scoped out	N/A	No
Birds	Scoped in	Local	Nesting in trees and hedgerows
Great crested newt	Scoped out	N/A	No
Reptiles	Scoped out	Site	No

7.110 In assessing the revised biodiversity net gain assessment it now includes a smaller habitat net gain than in the original assessment which has been reduced to 4.82% as opposed to the previous 10.35%. The Wildlife Trust considered the revised information and has commented that the development would no longer achieve a 10% biodiversity net gain for habitats which would be their recommendation as the minimum requirement. The applicants have commented that there is currently no policy requirement at local or national level for a minimum 10% gain, and that the Wildlife Trust would be willing to accept a figure below 10%, albeit above what they were currently proposing. The applicants would be looking at the BNG calculator again to see if there was any way to boost the score further, and the Wildlife Trust has offered to assist in this process. It is likely that any further net gains would come from detailed layout, planting specifications and management of communal areas within the retirement care village, and that further net gains in biodiversity could be delivered through detailed design at Reserved Matters stage to which the Wildlife Trust have agreed.

7.111 An Arboricultural Impact Assessment [Sylva Consultancy dated November 2019] was submitted and this notes that as the development area would be concentrated in the northern field adjacent to the eastern boundary, the indicative layout illustrates sufficient room exists on the site to retain the existing tree stock and for the final layout to be positioned beyond the root protection area of trees. The majority of trees within the site, worthy of protection, are now protected by a tree preservation order, and the indicative layout has been guided by the protective measures imposed by the Council. In terms of the new access this would result in

the removal of some hedgerow, however, the hedgerow is considered to be of low quality. The new internal road would be positioned beyond the constraints of the existing tree stock and therefore no trees would be removed. The extensive landscaping proposed as part of the scheme would result in additional tree planting.

7.112 It is considered the development would satisfy the policy requirements of the NPPF and would be capable of delivering a biodiversity net gain and further information would need to be supplied at a detailed design stage. In view of the mitigation proposed, the scheme is considered to comply with Policy ENV7 of the adopted Local Plan 2015 and the Natural Environment SPD.

### **7.113 Flood Risk and Drainage**

7.114 Policy ENV8 of the adopted Local Plan 2015 states that all development should contribute to an overall flood risk reduction. The site is located wholly in Flood Zone 1 and has been assessed as being at very low risk of flooding. Surface water currently infiltrates into the ground without any formal drainage. Whereas County records indicate that the site has a high risk of groundwater flooding, there are no records of historic groundwater flooding on the site.

7.115 The application is accompanied by a Flood Risk Assessment [Campbell Reith November 2020] and a Drainage Strategy. In managing surface water discharge, the scheme would incorporate a combination of permeable pavement arrangements, infiltration basins, filter trenches and swales as well as extensive soft landscaping.

7.116 The Local Lead Flood Authority have raised no objection to the scheme subject to conditions. They are supportive of the use of infiltration basins/ trenches and permeable paving as they provide water quality treatment which is of particular importance when infiltrating into the ground. Groundwater levels were recorded at 3 metres below ground level, providing a sufficient unsaturated zone between the base of proposed infiltration features and the groundwater level.

7.117 In terms of foul water, Anglian Water have raised no objection to the scheme commenting that there is currently capacity to connect to the foul sewer.

7.118 It is considered that the scheme would comply with Policy ENV8 of the adopted Local Plan 2015 and the Flood and Water SPD.

### **7.119 Other Material Matters**

7.120 In the revised scheme, the north-western corner of the site is proposed to accommodate 30% affordable housing which equates to approximately 51 dwellings. As such Policy GROWTH 3 of the adopted Local Plan 2015 and the Developer Contributions SPD requires residential development of 20 or more dwellings to provide or to contribute towards the cost of providing children's playing space and open space.

7.121 According to the adopted Local Plan 2015, the village has limited open space particularly in terms of what is available for public use. The open space adjacent to

the Village College is widely used for informal recreation and events, and makes an important contribution to community life.

- 7.122 The proposal would provide public open space in the form of parkland and an equipped area of play available to members of the public. The scheme would also provide leisure facilities, some of which would also be available to the wider community. In this respect the proposal would make an acceptable contribution to public open space and community facilities and would comply with Policy GROWTH 3 of the adopted Local Plan 2015 and the Developer Contributions SPD.
- 7.123 All applications for residential use are considered particularly sensitive to the presence of contamination. It is therefore considered reasonable that conditions are appended to the grant of planning permission requiring a contamination assessment to be agreed by the Local Planning Authority prior to commencement of development and with regards to unexpected contamination and remediation measures if required. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.
- 7.124 The applicants have produced a HOTs for the s106 Agreement with obligations to secure delivery and long-term management of public access to the proposed Natural Managed Open Space (NMOS) and LEAP and up to 30% on-site provision of Affordable Housing to be provided with an appropriate off-site contribution if required. There would be a requirement to provide satisfactory management of the site concerning waste awareness, storage and collection and with the addition of 51 affordable dwellings there would be a contribution towards education, libraries and learning. The scheme would also now be CIL liable.
- 7.125 The Council has recently adopted an SPD on Climate Change as it considers as an area experiencing growth “it comes with the responsibility to balance competing demands and mitigate the negative impacts of that growth as far as is reasonably possible”. The SPD predominantly focusses on providing additional guidance to the implementation of Policy ENV4, in that all new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy. Although the applicant has submitted a Feasibility Study for Renewable Energy & Low Carbon Technology and 10% Calculations Assessment, in view of the adoption of the Climate Change SPD in February 2021, it would be unreasonable to expect the applicant to provide a Sustainability Statement which incorporates the aims and objectives of the SPD at such short notice. Moreover, there is a caveat within Policy CC1 of the SPD that requires this can be imposed by condition. Should the application be considered acceptable by Committee, then further details will be requested by condition, in accordance with the SPD.
- 7.126 The Minerals and Waste Development Control Team have noted that the matter of waste management does not appear to have been addressed within the submitted application documentation, nor does there appear to be any specific consideration given to this policy. To ensure compliance it is therefore requested that, should the Planning Authority be minded to grant planning permission, it is subject to an appropriately worded condition.

## 8. CONCLUSION

- 8.1 It is acknowledged that the scheme would provide additional residential care accommodation within the District as identified in the Council's SHMAA (2013) and that further research into self-funding extra special care is being undertaken. However, whilst it is acknowledged there is a need for accommodation to provide for an ageing population, Bottisham already benefits from accommodation of a similar style to that proposed and where there are currently vacancies. Furthermore, the County Council have confirmed that they would not be identifying accommodation in the Bottisham area due to the existing facilities. In view of the fact that the joint local authorities of Cambridgeshire and Peterborough are undertaking research on a self-funder policy, the fact that they have not supported the scheme indicates that there is not an identified need for such provision that cannot be met within the built up areas, as required by policy HOU6 of the Local Plan 2015.
- 8.2 The applicants have indicated that other non-Green Belt sites have been considered and discounted, however, no evidence has been provided to support this view.
- 8.3 Policy GROWTH2 of the Local Plan states that the key focus for development within the District will be focussed on the market towns of Ely, Soham and Littleport, with more limited development taking place in villages which have defined development envelopes. Outside of development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development would be restricted in compliance with the exception criteria, provided there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied. Although the proposal does fall within a number of the exception criteria of Policy GROWTH 2, it would fail to protect the countryside and the setting of Bottisham, which are requirements of other specific policies within the Local Plan.
- 8.4 Notwithstanding the acceptability of the scheme with respect to highway and pedestrian safety; 30% contribution towards affordable housing; biodiversity net gain, flooding and drainage and heritage assets, as these issues are pre-requisites of sustainable development and do not cumulatively provide a case for special circumstances.
- 8.5 To conclude, the determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. The case for demonstrating very special circumstances to outweigh any harm to the Green Belt, and any other harm has not been made and as such the proposal would result in substantial harm to the openness of the Green Belt and would encroach upon open countryside. Irrespective of the considerable merits of the development, the inherent conflict with the development plan and national policy with regard to harm to the Green Belt and visual amenity of this part of Bottisham demonstrate that the very special circumstances necessary to justify the proposed development have not been demonstrated and the proposal would be at odds with Policies ENV1, ENV2 and ENV10 of the Local Plan and chapter 13 of the NPPF, as it does not meet any of the exceptions. This view has been supported at appeal on a similar Green-Belt site.

- 8.6 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.
- 8.7 The scheme does not accord with both national and local planning policy and is considered not to represent sustainable development.

## **9. COSTS**

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

## **10.0 APPENDICES**

### **Appendix 1 – Appeal Ref: APP/B1930/W/19/3235642**

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
20/00296/OUM	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastcambs.gov.uk

National Planning Policy Framework -

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



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## Appeal Decision

Inquiry Held on 27-28 November and 3-5 December 2019

Site visit made on 4 December 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> January 2020

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Appeal Ref: APP/B1930/W/19/3235642

Land to the rear of Burston Garden Centre, North Orbital Road, Chiswell Green, St Albans, AL2 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Castleoak Care Partnerships Ltd against the decision of St Albans City & District Council.
  - The application Ref 5/18/1324, dated 14 May 2018, was refused by notice dated 20 March 2019.
  - The development proposed is the demolition of all existing horticultural structures and redevelopment of the site to provide a new retirement community comprising a 64 bedroom care home, 125 assisted living bungalows and apartments, a community clubhouse together with associated access and pedestrian/bridleway improvements, landscaping, amenity space and car parking.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. A revised landscaping master plan (INQ9) was submitted during the course of the Inquiry. This depicts the removal of an access track to the eastern boundary of the site and instead further landscaping is proposed along the site edge with the public bridleway.
3. Parties were given an opportunity to comment on this and expressed no concern at this amendment. I consider that the change is minor, and I am satisfied that no party would be prejudiced by my taking the amended plan into account. Accordingly, the Inquiry went on to consider the revised landscaping proposals.
4. A planning obligation was submitted in draft form (INQ21), discussed at the Inquiry and subsequently finalised after the Inquiry. I have taken it into account.

### Main Issues

5. The appellant accepts that the proposal would constitute inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework), and that openness would be harmed.

6. In light of the above, the main issues are:
- i) The extent to which the development would harm the openness of the Green Belt and/or conflict with its purposes;
  - ii) The effect of the proposal on the character and appearance of the area;
  - iii) The effect of the proposal on the significance of the grade II\* listed Burston Manor and grade II listed outbuildings, as derived from their setting; and,
  - iv) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Background

### *Site Description*

7. The appeal site forms the eastern portion of Burston Garden Centre (BGC) of around 3.8ha in size. It is currently unused and comprises open grassland, sheds, polytunnels, glasshouses and planting beds which were formerly used for rose propagation. The site is accessed from the North Orbital Road (A405) via an existing private access track within BGC.
8. Abutting the site to the north is Burston Manor House, a grade II\* listed building originally dating from the 12<sup>th</sup> Century with grade II listed 17<sup>th</sup> Century outbuildings. A close boarded fence forms the perimeter boundary to the east, along a public bridleway. How Wood and How Wood Village lies beyond. To the south the site has a heras fence separating it from Birchwood. Birchwood Bungalow is located adjacent to the south eastern corner of the site. To the west is the remainder of the BGC site with a number of large glasshouses.
9. The site is located in the Green Belt and is designated as part of a Landscape Development Area and also as an area of archaeological significance, as set out in the development plan.

### *Appeal Proposals*

10. Permission **is sought to develop the site as a retirement village with 'extra care'** housing for older and retired people together with a 64-bed care home. The housing would comprise 45 care bungalows and 80 1, 2 & 3 bed apartments. There would be a central village green and clubhouse with bar/café, restaurant, library and other facilities.
11. It was a matter of common ground that the proposed development falls wholly within a C2 use class. Although local objections were made in respect of affordability, the Council and appellant considered that no affordable housing contributions should be sought as there was no policy basis to require this for a C2 use.
12. Access would be via the existing track, which would be widened along its length through the removal of part of the existing glasshouses at BGC. This would create a tree-lined avenue into the site. **The newly created 'Burston Lane'** would form a main central access into the site itself, roughly following the line of a former tree lined field boundary at Burston Manor.

13. A number of secondary routes would also be created as well as pedestrian routes through the site, connecting with the existing bridleway alongside How Wood. The proposal would also include the creation of a new bridleway along the south of the site. The application also includes a proposal for improvements to the access junction with the A405 by way of a signalised junction and signalised pedestrian crossing points.
14. The assisted living apartments would be divided between 3 blocks which are 3-storeys in height with single storey entrance pavilion link buildings and canopied walkways. The clubhouse would face out across the village green area, while the assisted living blocks would be served by parking courtyards and courtyard gardens.
15. With the **exception of a detached 'gatehouse' within the site, the bungalows** would be semi detached and form blocks with parking courtyards to the front and private gardens and patios to the rear. The care home would be **positioned to the north eastern 'nib' of the** site and would be 2-storey with a central main entrance and rear wings around a central courtyard area.
16. The landscape strategy for the site would include planting of trees and hedges, both along the boundary edges and within the site. Communal gardens would serve the apartments, and the bungalows to the north of the site would have communal edible gardens and a fruit tree walkway between the groupings. The care home would incorporate private sensory and water gardens.
17. The general palette of materials would be red brick with tile hanging and soldier course detailing, pudding stone walling, and dark facing brick and weatherboarding. Roofs would use clay tiles and windows would be dark coated metal.

#### *Policy Context*

18. The development plan for the purposes of the appeal comprises the saved policies from the St Albans Local Plan 1994 (LP). The St Albans City & District Local Plan Publication Draft (emerging LP) was submitted for examination and this is due to begin in January 2020. This seeks to allocate broad locations for development, including for C2 units, and includes a review of the Green Belt as part of the identification of these. The appeal site is not allocated in the emerging LP.
19. The site also falls within the St Stephen Neighbourhood Plan area which was designated in 2014. It was explained by Mr Parry that a draft Neighbourhood Plan (emerging NP) has been developed (INQ7) following early public engagement. It is anticipated that this will be subject to public consultation in 2020. The BGC site as a whole is included in the emerging NP as an allocation for a retirement village and for the removal from the Green Belt, although both the appellant and Council expressed their concerns in terms of whether Green Belt boundaries could be altered by a NP.
20. Both the emerging LP and the emerging NP have yet to be formally examined and in accordance with paragraph 48 of the Framework, can only attract limited weight. I come back to the issue of the emerging plans later in my decision but it is notable is that neither the Council or the appellant seek to rely on these in making their cases and give these documents limited or no weight.



21. The Framework is also a material consideration. It was common ground between parties that St Albans can only currently demonstrate a 2.2 year deliverable supply of housing and that, in accordance with national policy, the C2 specialist housing would go towards meeting part of the overall housing need.

## Reasons

### *Green Belt Openness and Purposes*

#### *Openness*

22. LP Policy 1 seeks to restrict development in the Green Belt. It sets out a number of exemptions to this or allows development in very special circumstances. It does not, however, fully align with the Green Belt policies of the Framework as the exemptions are more restrictive than those set out in paragraph 145.
23. The Government attaches great importance to the Green Belt. The fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and their permeance. Openness has both a visual and spatial element.
24. It is common ground that the site should not be regarded as previously developed land and as such the proposals would constitute inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be accorded to that harm. Such development should not be approved except in very special circumstances whereby inappropriateness and any other harm is clearly outweighed by other considerations.
25. There was debate at the Inquiry in respect of the quality of the site. However, I consider that the existing structures including the glasshouses, polytunnels and other structures associated with the sites horticultural use should not be seen as harmful to the purposes or characteristics of the Green Belt. Put simply, they are structures which are common in rural areas and, crucially, are not seen as inappropriate in Green Belt policy terms.
26. The parties disagree as to the extent of the effect of openness, although the appellant accepted that there will be some impact upon this. In considering openness against the baseline outlined above, the proposed development would introduce a substantial amount of built form spread across the site at 1, 2 and 3 storeys in height. The scheme would thus far exceed the height, volume and site coverage of the existing structures. The development would therefore result in a substantial loss of openness in spatial terms.
27. In visual terms, the appellants landscape witness considered the effects to be very limited due to the visual containment that exists around the site as well as the mitigation and landscaping proposals through planting and public access within the site.
28. The Landscape and Visual Impact Assessment (INQ12) identifies that moderate adverse effects would be experienced from view points taken from the bridleway to the eastern edge of the site. Due to the location of the site behind Burston Manor and the BGC and its relative containment by How Wood and Birchwood, I agree that the new buildings would have limited zones of visibility

from outside of the site. Such visibility would be largely confined to short or medium range views from the bridleway. However, the loss of openness would be clearly perceived by users of the public right of way.

29. In addition, the scale of the built development and associated parking areas and reduction in openness would also be very apparent to the many residents, staff and visitors to the development. Moreover, in introducing a new public access through the site and along the perimeter of Birchwood through the development of a new public bridleway, I consider that the mitigation itself would increase the visual effects experienced from the loss of openness.
30. Taking all of the above together, I consider that the spatial and visual harm to openness would therefore constitute significant harm to the Green Belt in addition to inappropriateness.

#### *Purposes*

31. As defined by paragraph 134 of the Framework, the Green Belt serves 5 purposes (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and spatial character of historic towns; and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
32. Chiswell Green is located to the north west of the North Orbital Road, with How Wood Village to the south. The appeal site address references Chiswell Green, but the BGC site as a whole does have a degree of separation from this settlement as the site is below the North Orbital Road.
33. The appeal site would abut How Wood and would effectively enclose the woodland by development. How Wood itself is not of a significant depth nor is it so dense as to provide a definitive edge to How Wood Village in this location. As I saw on site, which was in winter when the trees are not in leaf, filtered views of the rear of properties along Walnut Close and Spruce Way were visible through the woods. The development would therefore be visible from these properties, although there would be larger amounts of landscaping included within the site and along the boundary.
34. There would not be direct coalescence as a result of the proposal between How Wood Village and Chiswell Green. However, it would form a perceptible adjunct to How Wood Village and would diminish the gap and erode the open nature of the Green Belt in this location between these villages. Accordingly, there would be a degree of sprawl and merger of these and harm to the perception of the settlements.
35. By virtue of its open nature the site contributes to the characteristic openness of the Green Belt. In my view, the proposed development could therefore do little else but to encroach on the countryside. As established above, the buildings and polytunnels which form part of the horticultural use of the site are not inappropriate in the Green Belt. These structures are also not comparable to that being proposed. There can be no doubt that the development would have an urbanising effect in this location that cannot be said to safeguard from encroachment.

36. While the appellant considers that the development would not harm any of the purposes of the Green Belt, I consider that there is a clear conflict with Green Belt purposes in terms of purposes (a) (b) and (c) above.
37. The appellant also held that there is a mismatch between the evidence of Mr Greaves who considered that 3 of the Green Belt purposes would be breached (a-c), whereas the Council in their Committee Report reference only a single issue in this regard (c). In combination effects with a separate development of a hotel at Copsewood are also referenced by the Council and Mr Greaves.
38. The Committee report did not go specifically into the purposes of the Green Belt to any great degree. The issue of sprawl and merger and the urban form is, however, referenced in the 1<sup>st</sup> reason for refusal. I note that the hotel scheme has now lapsed, but in any case, I have considered the scheme on its own merits and in the light of the evidence.

*Conclusion – Openness and Purposes*

39. The development would therefore result in a substantial loss of openness and would conflict with the purposes of the Green Belt. The development would not accord with the Framework nor LP Policy 1. I attach substantial weight to this conflict and the harm arising to the Green Belt and its purposes by virtue of the development's inappropriateness and the effect of openness.
40. That harm will need to be outweighed by other considerations, if very special circumstances are demonstrated and I will return to that question, in the context of the overall planning balance, later in my decision.

*Character and Appearance*

41. As stated above, the site contains a number of buildings and structures in connection with BGC, albeit it is currently derelict. The buildings are generally modest in their scale but are utilitarian in their appearance and are poor quality and dilapidated. The site also has an untidy and unkempt appearance.
42. The remainder of the BGC site has substantial coverage with glasshouses which have a large footprint extending across the site but are of a reasonable height and are of a lightweight design with their framing and glazing. The main garden centre buildings, barns and stores are of a large scale in terms of their massing and height. Other expanses of hardstanding and parking are also found at the site. The buildings within the appeal site have a visual association with the wider part of BGC, and are positioned adjacent to this, with the eastern part of the site being open grassland or formed of former planting beds. The fencing to the east and southern boundaries contains the site from the woodland areas beyond.
43. In the wider area, detached properties to the north of the appeal site are set in spacious grounds. In contrast the urban form of How Wood Village and Chiswell Green is more built up with rows of detached and semi-detached houses. This is discernible from the aerial photograph of the wider area (INQ10).
44. The appeal site is not accessible to the general public nor to visitors to BGC and, as expressed above, is visually contained. Care has been taken with the scheme in terms of the detailed design of the proposed buildings, taking their reference from the local vernacular and palette of materials. As explained by

the appellant landscape witness and scheme architect, the concept behind the scheme and its overall layout and design is to provide 'aging in place' with different types of C2 accommodation within an enabling environment. The overall site layout is of a formal nature, with clear, legible and logical areas and has been designed as such due to the nature of the C2 use. The landscaping proposals are also extensive and form a fundamental part of the overall design concept.

45. The formality of the layout would not be out of place with the general layout of the built form in the wider area. In some regard, the footprint of the linked apartment blocks and the care home buildings would not be out of place with the large footprints of the buildings at the BGC site. They would, however, be markedly different in their general scale, massing and form to the BGC buildings. There would also be marked differences between the scale and density of properties in How Wood Village and to properties to the north of the appeal site.
46. In combination with the bungalows and parking, the built elements of the proposed development would take up a large proportion of the site. This would give a distinctly urban form which would contrast with both the character and appearance of BGC and the general built form of the dwellings of the surrounding areas.
47. The close boarded fence along the eastern boundary of the site with the bridleway is a visually discordant feature which would be removed by the proposed development. As per the amended landscape masterplan this area and the removal of the access track would give way to additional landscape planting along its periphery.
48. However, as stated above, the development would be seen behind properties at Walnut Close and Spruce Way and would effectively enclose How Wood. In particular, the proposed care home would be built on land which is currently open and due to its scale, it would have a large and dominating effect, in spite of the additional peripheral landscaping here.
49. Overall, despite the visual containment at the site, and the positive aspects of the development relating to legibility, design and landscaping, the resultant effect would be of an urbanised site which would be out of step with its wider surroundings. This would therefore give rise to a moderately harmful impact on the character and appearance of the area in the vicinity of the site. This would be in conflict with LP Policies 69 and 70 which require high standards of design, having regard to setting and character, and massing and siting. These LP policy objectives are consistent with those of the Framework.

#### *Designated Heritage Assets*

50. LP Policy 86 reflects the statutory obligations<sup>1</sup> to have special regard to the desirability of preserving a listed building or its setting or any features of architectural or historic interest that it possesses. In a similar vein, the Framework gives great weight to the conservation of designated heritage assets, noting that the more important the asset, the greater the weight should be. This is irrespective of the level of harm. Any harm should also require clear and convincing justification.

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<sup>1</sup> As set out in s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

51. It is common ground between parties that the development will cause less than substantial harm to the grade II\* listed Burston Manor and the grade II listed outbuildings and that this harm should be given great weight. In this regard, for the purposes of my decision I am simply required to weigh that harm against other considerations, including any public benefits, similar to Green Belt policy.
52. **The issue debated at the Inquiry is where the harm falls in the 'spectrum' of less than substantial harm**, as Planning Practice Guidance<sup>2</sup> (PPG) makes clear that within each category of harm, the extent of the harm may vary and should be clearly articulated. The appellant assigns a minor level of less than substantial harm and the Council a moderate level.
53. Detailed analysis of the significance of Burston Manor and the outbuildings is provided with the Heritage Statement and the parties' proofs. Again, this was common ground between parties and I have no reason to disagree with their assessments. As such there is no need to rehearse this in detail here.
54. In terms of setting, Burston Manor and the outbuildings are set in private, landscaped gardens which provide screening and enclosure, both from when looking out from the grounds, and when looking towards the Manor itself from the appeal site and bridleway. Notably, there is also a moat within the gardens, likely to be associated with the manorial seat. There is also archaeological significance in light of the moat and records relating to a shrunken settlement.
55. Today, in spite of the boundary screening within the grounds, the Burston Manor grouping does have a relationship with its surroundings thus this forms **its wider, or as described by parties, its 'secondary' setting**. The position of both parties in respect of setting has, however, altered since the analysis of the original application; Mr Greaves does not agree that the appeal site makes an overall negative contribution to significance, **whereas the Council's analysis** (including that of their own Conservation Officer) did consider that the existing contribution of the site was negative. Similarly, the evidence presented by Mr Smith for the appellant in terms of the contribution of the appeal site to setting contrasted with the appellants own Heritage Statement which states that "*the remnant unmanaged grassland on the eastern reaches of the site represents a last vestige of the asset's historic pastoral landscape setting.*"
56. Originally Burston Manor would have stood in a relatively isolated location in the open landscape, as depicted on the 1766 Map. Birchwood and How Wood appear on the 1805 OS Map, although the wider landscape remained open. **This remained the status quo until after the 1930's where significant** development was carried out, particularly in the second half of the 20<sup>th</sup> Century with the development of How Wood Village and Chiswell Green. The BGC site was mainly **developed during the 1970's and 1980's** (INQ24).
57. There can be no doubt that the setting of the heritage assets has been greatly changed and urbanised during the 20<sup>th</sup> Century and that this has had an adverse effect on the Burston Manor grouping. The BGC site has distinctly urban elements including, for example, the large-scale retail and other buildings, lighting and car parking. The general intensity of the use at BGC also has an impact and gives rise to a number of comings and goings and

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<sup>2</sup> 18a-018-20190723

operational effects such as noise from the access track running adjacent to the western boundary of Burston Manor. The close-boarded fencing along the eastern boundary adjacent to the bridleway is also an urban feature which detracts from the wider landscape setting and provides a barrier between the site, Burston Manor and How Wood.

58. However, the appeal site with its low level polytunnels, along with the planting beds and grasslands to the eastern and southern parts helps maintain a semblance of the open and agricultural character, albeit diminished. As historic early 19<sup>th</sup> Century woodland groups Birchwood and How Wood form a positive part of the historic evolution of the wider environs of Burston Manor. Today, the appeal site does allow for the appreciation of these woodlands from the grounds of Burston Manor and vice-versa. This helps to maintain a sense of the historic relationship here, particularly with How Wood due to the open grasslands to the north-eastern nib of the site. I saw that this relationship is more visible in the winter when the deciduous boundary trees within the grounds of Burston Manor are not in leaf.
59. In this regard, I consider that the appeal site has a more limited negative impact upon setting than the remainder of the BGC site. Furthermore, while it is unkempt and not in any way pristine, I consider that it does represent the last legible remnant of its historic landscape setting.
60. In considering whether additional change would further detract from, or enhance the significance of the assets, there would be a significant change and the Burston Manor grouping would effectively be contained by urban development. I agree with the Council that this would amount to the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost.
61. There would be significant landscaping and planting at the site, but as I have stated above, built elements of the proposed development would take up a large proportion of the site and thus would dominate in this regard. Effort has been made to restrict the building heights across the appeal site including locating the bungalows to the south of the boundary with Burston Manor. However, due to the amount of development at the site, there would be limited separation between the built form and the boundaries of Burston Manor.
62. The proposed care home in particular would be of a significant built scale and massing in the open north eastern nib of the site. The s106 agreement would secure offsite planting, including between the eastern boundary of Burston Manor and would have a significant screening effect of the care home, but this would do little to overcome the urbanisation. Instead it would further serve to divorce the assets from their wider surroundings and would add to the containment of the heritage assets.
63. Additional verified views were submitted from the upper floors of Burston Manor as part of Mr Judd's Proof of Evidence which are said to demonstrate the current level of screening which would be bolstered in the short and long term by landscaping. However, these views were taken when the trees were in leaf. While there are some evergreen trees providing screening, my site visit in the winter months revealed a much greater level of visibility from Burston Manor, from both within the grounds and as viewed from the upper floors. The severing effect I have identified from the proposed development would be more

perceptible and while the additional landscaping would aid this, the effects would still be experienced from the assets.

64. The development would involve the widening of the access road to the western boundary of Burston Manor and the removal of some bays of the BGC greenhouses to facilitate this. The barns and stores would also be removed and there would be a comprehensive lighting strategy across the site. These would help to address some of the negative effects that BGC and the appeal site have on the setting of the buildings. Nevertheless, in light of the nature and scale of the development proposed, these would not address my concerns in any meaningful way.
65. I am mindful that **grade II\* listed buildings represent the top 7% of England's** most significant designated heritage assets. In combination with the grade II listed building and the moat and archaeological potential, the development would **be firmly within the realms of 'less than substantial harm'**. I am of the clear view that this would be to a moderate degree when applying the spectrum or scale put to me at the Inquiry, as opposed to the limited harm attested by the appellant. The lack of comment from Historic England does not alter my conclusions in respect of the harm I have found.
66. Overall the development would cause harm to the significance of the grade II\* and grade II listed buildings forming the Burston Manor group. As a result, the development would conflict with LP Policy 86. In accordance with the Framework and the statutory obligations imposed, I give great weight to that harm. I shall weigh this against the public benefits later in my decision.

#### *Other Considerations*

67. The appellant identifies a range of other considerations that are said to be in favour of the proposed development. Similar to the debate at the Inquiry as to the precise level of harm ascribed by the parties, the level of weight to be assigned to the benefits is also disputed.

#### *General and C2 housing need*

68. Particular emphasis was placed on the need to deliver housing, including the specialist accommodation being proposed. The agreed position on housing supply, at 2.2 years, is well below the requisite five-year supply and the proposed development would contribute towards this housing need and would deliver a range of specialist housing options for older people. I give this substantial weight.
69. The parties were unable to agree the precise **extent of need for older people's** accommodation in the area with the appellant citing a much greater need than the Council identifies. However, at the Inquiry parties submitted a Statement of Common Ground setting out the different projections of need for extra care and care homes (INQ18). This formed the basis of the discussion. A considerable amount of evidence was presented on this topic and the figures supplied for extra care units and care home beds were vastly different and there were issues around the data time periods. Debate also ensued regarding pipeline provision, which the Council had calculated based on past trends and future Local Plan provision.
70. The proper forum for determining the precise position is as part of the development plan process and having considered the submissions made, it is

not necessary for me to reach a precise conclusion on the need and supply of this type of housing. This is because, **even using the Council's** more modest figures, there is an immediate unmet and growing need which would not be met by the emerging LP in the short term (as evidenced by the trajectories set out in INQ23). Windfall provision is also not likely to address this. I also note the empirical evidence presented by the Parish Council, local residents associations and elected Members in terms of the need.

71. A lack of affordable care provision was raised by '**Affordable Care for St Albans' and while I don't doubt that there is also such a need**, there is no policy requirement for affordable housing C2 provision.
72. In light of the current shortfall in C2 accommodation, there can be no doubt that the development could make a very significant contribution towards meeting such local needs and based on the evidence supplied, this would be likely to be achieved within the next 5 years. Related to this point, the occupation of such housing by local people would be likely to free up existing housing stock, thereby assisting the wider market. I thus consider the benefits relating to general and C2 housing need to be very significant which weighs substantially in favour of the development.

#### *Alternative sites*

73. The appellant also held that there are no alternative sites which could accommodate the appeal proposals, although this was challenged by the Council on two points relating to availability and disaggregation.
74. In terms of the latter, Mr Appleton gave evidence on the evolving nature of housing for older people and the care village concept, with its associated demonstrable benefits. A revised report (the Carterwood Report) was submitted **as part of Mr Belcher's evidence** which revised the methodology to assess sites between 1ha-4ha (the appeal site being around 3.8ha in size) in order to address the Council's earlier concerns that the original study only looked at sites 2.4ha and above.
75. The question here is one of how much weight can be apportioned to a lack of alternative sites and whether need can be met in a disaggregated way. It was clear that smaller extra care units and standalone nursing homes can be provided on smaller sites. That said, the revised study goes down to 1ha, or as the appellant cited 25% of the size necessary to deliver the appeal site. In that regard, I consider the Carterwood Report to be robust for the purposes of assessing alternatives, including disaggregation.
76. **I do, however, share the Council's concerns regarding the** application of the criteria of sites which were assessed on the basis of their availability, suitability and achievability. None of the sites assessed were identified as being available as they were not being actively marketed. Mr Belcher explained that in assessing availability research had taken place in terms of property agents, websites and physical inspections, but in my view, this is a fundamental flaw of what was otherwise a robust exercise.
77. Only three sites were found to be suitable and achievable and as such it would not have been an onerous task to approach the landowners to ascertain any intent. I also accept the **Council's** point that the appeal site was also not actively marketed and thus would have failed according to this methodology.



78. Of these sites I acknowledge that they were all smaller than the appeal site. Two of the sites were owned by the County Council and while they were smaller than the appeal site, these were located adjacent to each other. It would have been a simple exercise to approach the County Council regarding these sites, and also consider whether they could be combined. I note that the other site was envisaged for retail use in the emerging LP. Again, an approach could have been made to the owner and evidence gathered in terms of whether it would be suitable for an alternative use by the planning authority.
79. While the potential for alternative sites is limited to just the three identified, the lack of robustness in respect of availability therefore moderates the weight I can attach to the purported lack of alternative sites.

*Health and wellbeing*

80. As briefly referenced above, the health and wellbeing benefits were set out in detail by the appellants team, and in particular by Mr Appleton and Mr Phillips, at various points during the Inquiry. These were well evidenced by a plethora of background documents put before me and as quoted by Mr Phillips proof of evidence. I also note that the PPG recognises such benefits, stating that *"offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems."*<sup>3</sup>
81. In particular the care village concept, with the provision of its own dedicated services and facilities, the care package, including offers for different care needs, would benefit older people residing at the site. Such benefits therefore attract substantial weight into the balance.

*Employment*

82. The parties differed in their views as to the weight to be attached to employment benefits arising from the creation of around 90 full time equivalent jobs plus temporary construction jobs, the reinvestment of the profit of the sale of the appeal site into the garden centre, and the business units at the site. This adds further weight to the case for the appeal.
83. However, I note that that there are high levels of employment and low unemployment, as backed up by official labour market statistics for the district (July 2018-July 2019). Therefore I consider that such benefits are moderated in part by this.

*Highway and accessibility matters*

84. I am satisfied that traffic congestion and associated concerns relating to air pollution would not be realised. I also note that the appellant proposed to install electric vehicle charging points as part of their scheme.
85. Access improvements from the North Orbital Road would also be secured by condition which would benefit users of the site and BGC. While I note that these were subject to a separate approval sought by BGC, this has now lapsed whereas the appeal scheme would ensure these take place. This adds some weight in favour of the proposal.

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<sup>3</sup> Reference ID: 63-001-20190626

86. It was said that the appeal site is in a suitable location to access services and facilities and I do not disagree. It is in close walking distance to local shops at How Wood Village and bus stops and a railway station would also be accessible. However, as a general principle, appropriate access to services and facilities, are a policy expectation for any significant development and as such are a neutral matter in my considerations.

*Effect on Birchwood Bungalow*

87. I am also mindful that there is an objection from a separate care facility at Birchwood Bungalow. This relates to the construction effects from noise and disturbance of the built development upon the residents who have Autism and are in full-time residential care. Accordingly, I have also had due regard to the Public Sector Equality Duty (PSED) established by section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
88. Having discussed this matter at the Inquiry, construction is anticipated to take around 2 years, and it would have a phased approach. There would be some impacts experienced by the occupants at Birchwood Bungalow but I consider that these would be time-limited and further minimised by the phased approach. I am also satisfied that specific provision could be made to reduce any such effects through the submission of a Construction Management Plan, and this could be secured by condition. I therefore find no discrimination in this regard.
89. While I have found no conflict with the PSED, this itself would not weigh in favour of the scheme in terms of my assessment of very special circumstances, rather it would be a neutral factor.

Planning Balance and Very Special Circumstances

90. For the reasons explained above, I have found that the development would harm the Green Belt due to inappropriateness, loss of openness and conflict with the Green Belt purposes. This would be contrary to LP Policy 1. The Framework requires substantial weight to be given to any harm to the Green Belt.
91. The development would also cause harm to the character and appearance of the area, in conflict with LP Policy 69 and 70. There would also be harm to the setting of the designated heritage assets, which includes the grade II\* listed Burston Manor itself. Employing the terminology of the Framework, that harm **amounts to 'less than substantial'** but to a moderate degree. This harm, like the harm to the Green Belt, should be given great or substantial weight.
92. On the other side of the planning balance, it is clear that there is a very significant local need for **elderly persons' accommodation**. The development would help meet a significant proportion of this need and would address this in the short term. St Albans is an area where there is a significant shortfall in overall housing land supply and the development would contribute to this. The development would also help to free up existing market housing. As a care village, the development would cater for a wide range of individual needs in terms of physical ability, dependency and personal care, and would give rise to

- health and welfare benefits. These considerations all weigh substantially in favour of the development.
93. However, in light of my findings above, only moderate weight can be given to a lack of suitable sequentially preferable alternative sites to accommodate the proposal.
94. The development would produce some economic and social benefits in terms of temporary construction jobs and longer-term employment opportunities as well as improved accessibility arising from the works on the North Orbital Road. These matters add further weight to the case for the appeal.
95. I am conscious of the significant local support for the scheme, not just in respect of the need, as addressed above, but in more general terms. This is also reflected by the proposed allocation of the BGC site for C2 development within the emerging NP. However, the weight that can be attached to this is limited at this stage and there are question marks around whether a NP can alter the boundaries of the Green Belt.
96. The determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. However, very special circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Consequently, for the appeal to succeed, the overall balance would have to favour the appellants case, not just marginally, but decisively.
97. Overall, I consider the benefits from the housing and health and wellbeing to be substantial and there are other factors which add to this weight. But even so, they do not clearly outweigh the combined weight of the harm to the Green belt, the harm to designated heritage assets and the harm to character and appearance. Nor would the harm to the heritage assets be outweighed by the public benefits, irrespective of the Green Belt issues.
98. **The Council expressed their concerns regarding the 'double-counting' of** purported benefits insofar as they considered that specialist C2 provision, release of market housing, and health benefits are a subset of the general housing requirement. By way of response, the appellants drew my attention to two appeal decisions which accord weight to these matters on an individual basis<sup>4</sup>. However, taken together or separately, I consider that they do not outweigh the harm identified.
99. Consequently, despite the considerable merits of the development, the inherent conflict with the development plan and national policy with regard to harm to the Green Belt, designated heritage assets and character and appearance, lead me to conclude that the very special circumstances necessary to justify the proposed development have not been demonstrated.

## Conclusion

100. For the reasons given above, and having considered all other matters raised, the appeal is therefore dismissed.

*C Searson*  
INSPECTOR

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<sup>4</sup> APP/H2265/W/18/3202040 & APP/A0665/W/18/3203413

## APPEARANCES

## FOR THE LOCAL PLANNING AUTHORITY:

Guy Williams of Counsel instructed by David Edwards, Solicitor on behalf of the Council

He called:

Shaun Greaves                      Director GC Planning Partnership Ltd  
BA (Hons) DipURP, MRTPI

Other Participants at Round Table Discussion:

Sarah Smith                      Team Leader

## FOR THE APPELLANT:

Robert Walton QC

He called:

David Phillips                      Director (Planning) Strutt and Parker  
BA (Hons) MSc MRTPI

Other Participants at Round Table Discussion:

Andrew Kenyon                      Director, Peter Evans Partnership  
BEng FCIHT

Jonathan Smith                      Director, RPS  
BA (Hons) MA PGCE PG  
Dip MCIFA IHBC

Adrian Judd                      Director, PRP  
BSc (Hons) BA Dip LA  
CMLI

Jenny Buterchi                      Partner, PRP  
BA (Hons) Dip Arch, RIBA

Nigel Appleton                      Contact Consulting  
MA (Cantab)

Robert Belcher                      Carterwood  
FRICS

## INTERESTED PERSONS:

Andrew Emerton	Burston Nurseries, Garden Centre & Fisheries
David Parry	Vice Chair St Stephen Parish Council
Linda Crocker	Chair Cricklewood Residents Association
Dee Youngs	Chair Park Street Residents Association
Simon Kelly	Associate, Richard Buxton Solicitors on behalf of Affordable Care for St Albans
Cllr Sue Featherstone	County and District Councillor for St Stephen (Bricket wood and Chiswell Green)

## DOCUMENTS SUBMITTED DURING THE INQUIRY

- INQ1 Letter dated 22 November 2019 from Chiswell Green Residents Association
- INQ2 Typed script as read out by Linda Crocker of the Burston Wood Residents Association
- INQ3 Typed script as read out by Dee Youngs of the Park Street Residents Association
- INQ4 **Appellant's Opening Submissions**
- INQ5 **Council's Opening Submissions**
- INQ6 Representations on behalf of Affordable Care for St Albans (ACSA) as read out by Simon Kelly of Richard Buxton Solicitors
- INQ7 St Stephen Neighbourhood Plan 2019-2036 Re-Submission Document Draft October 2019
- INQ8 Revised CGI Drawings and key – reference AA6903 03-SL-3D-A—307, AA6903 00-SL-3D-A—011, AA6903 00-SL-3D-A—305 Rev A, AA6903 00-SL-3D-A—106 Rev A, AA6903 00-SL-3D-A—306 Rev A. (Supersede Core Documents CD2.25-2.28)
- INQ9 Revised Landscape Masterplan Reference 0653-00-SL-PL-L-G7-010 Rev G.
- INQ10 Google Earth satellite image of Burston Garden Centre wider area.
- INQ11 Burtson Garden Retirement Village Design and Access Statement July 2018
- INQ12 Burtson Garden Retirement Village Landscape and Visual Impact Assessment Rev B October 2018
- INQ13 Burtson Garden Retirement Village Design and Access Addendum – Landscape October 2018
- INQ14 Revised Schedule of Core Documents 2 December 2019
- INQ15 Updated Schedule of Plans and Documents Associated with the Proposals 2 December 2019
- INQ16 Updated SOCG – Setting out the different projections of Need on a comparable basis 2 December 2019
- INQ17 Further SOCG Alternative Site Assessment 2 December 2019
- INQ18 Updated SOCG – Setting out the different projections of Need on a comparable basis 2 December 2019 \*\* This supersedes INQ16\*\*
- INQ19 More Choice, Greater Voice: a toolkit for producing a strategy for accommodation with care for older people February 2008
- INQ20 Housing in later life: planning for specialist housing for older people December 2012
- INQ21 Copy of draft s106 agreement
- INQ22 St Albans City and District Local Plan 2020-2036 Publication Draft 2018 Exert of Policy S4 and S5.
- INQ23 St Albans City and District Housing Delivery Test Action Plan September 2019
- INQ24 Annotated aerial photograph showing dates of development of Burston Garden Centre Buildings
- INQ25 Site Visit annotated walking route map
- INQ26 Copy of full size application plans
- INQ27 Email from Mr Kelly dated 29 November 2019 representatives of ASCA
- INQ28 Updated draft list of planning conditions
- INQ29 **Council's Closing Submissions**
- INQ30 Appellant's Closing Submissions



20/00630/FUM

Site South And West Of The  
Bungalow  
Brick Lane  
Mepal



East Cambridgeshire  
District Council

Date: 16/02/2021  
Scale: 1:4,000



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**MAIN CASE**

**Reference No:** 20/00630/FUM

**Proposal:** **Erection of 55 dwellings, new access, estate roads, driveways, parking areas, open space, external lighting, substation and associated infrastructure**

**Site Address:** **Site South And West Of The Bungalow Brick Lane Mepal Cambridgeshire**

**Applicant:** **The Havebury Housing Partnership**

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

**Parish:** **Mepal**

**Ward:** **Sutton**  
**Ward Councillor/s:** Lorna Dupre  
Mark Inskip

**Date Received:** **19 May 2020**      **Expiry Date: 8<sup>th</sup> March 2021**

**V140**

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1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reasons:
1. The proposed development would be located outside of the development envelope of Mepal and is situated in the countryside. Developments within the countryside are normally restricted to that which is related to those exceptions listed within Policy Growth 2 of the East Cambridgeshire Local Plan, 2015. The site also falls within the designated Sutton Neighbourhood Plan boundary (although outside the Sutton development envelope) and therefore the Sutton Neighbourhood Plan, 2019, is relevant. Policy NP3 of the Sutton Neighbourhood Plan does not support any housing development outside of the settlement framework, and as such the proposal fails to comply with this policy which seeks sustainable development to be located within the development envelope.
  2. The proposed development, by virtue of its design, layout and form, fails to relate sympathetically to the surrounding area and each other, and does not create a quality scheme in its own right. Furthermore, the proposal has not been designed in a comprehensive and coherent way to create a strong and attractive sense of place and local distinctiveness and fails to provide adequate plot sizes which, cumulatively, has an adverse impact on the reasonable residential amenity for future occupiers. The proposed development is therefore contrary to

the aims and objectives of Policy ENV2 of the East Cambridgeshire Local Plan, 2015, the Design Guide SPD, Chapter 12 of the NPPF, 2019, and the National Design Guide PPG, 2019.

3. The proposed development fails to demonstrate a biodiversity net gain on the site. The proposed development is therefore contrary to Policy ENV7 of the East Cambridgeshire Local Plan, 2015, Policy NP2 of the Sutton Neighbourhood Plan, Policy NE6 of the Natural Environment SPD, and paragraph 175 (d) of the NPPF.

## 2.0 SUMMARY OF APPLICATION

2.1 This application seeks full planning consent for the erection of 55 affordable dwellings, new estate roads, driveways, parking areas, open space, external lighting, substation and associated infrastructure at site South of The Bungalow, Brick Lane.

2.2 The application is accompanied by a suite of documents, as follows:

- Affordable Housing Statement;
- Air Quality Assessment;
- Arboricultural Impact Assessment;
- Archaeology Evaluation Report and email from CHET (Cambridgeshire Historic Environment Team);
- Design, Access, Planning and Cultural Significance Statement;
- Energy and Sustainability Strategy;
- Measured Works Schedule – Detailed soft landscape proposal for plots and POS (Public Open Space);
- Noise Assessment;
- Phase One Desk Study Report (Land Contamination);
- Preliminary Ecological Appraisal and Bat Activity Report;
- Site Specific Flood Risk and SuDS Assessment;
- Statement of Community Involvement;
- Transport Statement;
- House Type plans and elevations etc.

2.3 In summary the application would provide 55 affordable units, comprising of the following mix:

<b>House Type</b>	<b>Number of Units</b>
1-bed house	6 (11%)
2-bed house	17 (31%)
2-bed bungalow	5 (9%)
3-bed house	16 (29%)
3-bed bungalow	5 (9%)
4-bed house	5 (9%)
5-bed house	1 (2%)
<b>TOTAL</b>	<b>55</b>



- 2.4 The proposal would include a small area of open space in the centre of the site and a further area of open space at the eastern side of the site.
- 2.5 The application is brought to Planning Committee because it involves development of over 50 dwellings, in accordance with the Council's Constitution.
- 2.6 The application has been amended since the original submission which included a revised site layout plan (includes a revised internal road layout plan), noise assessment, amended soft landscaping scheme, amended materials and boundary treatment plans, amended house type plans, a new street elevation plan, a response to the neighbour comments and an additional information brochure from the housing association.
- 2.7 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

### 3.0 PLANNING HISTORY

- 3.1 None relevant.

### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site, comprising 2.63ha (6.5 acres) is located in to the South of the village of Mepal, outside of the village framework, with Brick Lane forming the northern boundary, Sutton Road forming the eastern and southern boundaries while the A142 forms the western boundary. The site currently comprises an agricultural field south of Brick Lane. To the North of the site is a single storey detached dwelling, known as The Bungalow, which is accessed from Brick Lane and set back from Sutton Road. A ditch runs along the northern boundary of the site along Brick Lane.
- 4.2 An existing belt of trees and vegetation provides screening between the site and the A142 and Sutton Road, as well as a narrow belt of trees along the boundary with Brick Lane. The ground levels across the site vary in height, but from the level of the A142 road, there is a difference in ground level of approximately 4m/13ft, taken from the highest point (from the A142), to the lowest point which is nearest the Brick Lane/Sutton road junction area.
- 4.3 In terms of the wider environment, Brick Lane comprises predominantly two-storey semi-detached residential dwellings on its northern side with only the single dwelling, in the form of a bungalow, to the South at the junction of Brick Lane and Sutton Road (known as The Bungalow). Chestnut Way, opposite the site, is all single storey dwellings. Sutton Road is a mix of single and two storey dwellings. Witcham Road, also opposite the site, comprises mainly single storey dwellings with a cul-de-sac wing comprising of two-storey dwellings.

### 5.0 RESPONSES FROM CONSULTEES

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

## 5.2 **Mepal Parish Council - 13 July 2020**

Mepal wishes to object to this application, which is to develop 55 Affordable Homes in a village of 451 homes, in the strongest possible terms for the following reasons:

1. To support the 66 residents/households (as of the date of this letter), who we can see from the planning website, have written individual letters of objection to the application. This seems an extraordinary number for a small village of 451 homes and demonstrates the strength of opposition in the village. There is not one letter of support currently.
2. To support the additional individuals who have contacted the Parish Council asking us to object on their behalf but who have not written objection letters themselves.
3. The application does not comply with the National Planning Framework, Feb 2019
4. The application does not comply with the East Cambridgeshire Local Plan, 2015, policies HOU 2, HOU 3 and HOU 4
5. The application does not comply with the Sutton Neighbourhood Plan, May 2019
6. The density and design of the development shows poor design and is incompatible with and does not respect the local character of the village
7. To support and endorse the key local issues for objection highlighted by residents.

Each of these objections is explained in more detail, with supporting justification or evidence where applicable (**Attached as Appendix 1**).

## **Mepal Parish Council (following amendments) - 30 July 2020**

We have reviewed the comments from Havebury, and it is clear that they have not amended their application in any way in response to the comments from Mepal Parish Council and the many parishioners who took time to make individual objections. Their comments have not altered our position regarding the status of the site, or any of our objections.

The Council request this application is Refused.

## **Mepal Parish Council (following amendments) – 9 November 2020**

Having reviewed the amended planning application relating to the 20/00630 proposal for the erection of 55 dwellings, new access, estate roads, driveways, parking areas, open space, external lighting, substation and associated infrastructure on the site South And West Of The Bungalow Brick Lane Mepal Cambridgeshire, Mepal Parish Council would like to make the following additional statement.

The developer's amendments relating to noise assessments, landscaping and house type plans still do not address any of the central reasons for objections from both Mepal Parish council and the many parishioners who took time to make individual objections. In particular the minor amendments do not address our central strong concerns relating to transport and both the suitability of the current Brick Lane junction in terms of access to the development and the effect a large increase in cars will have in terms of general access in and out of the village. Other points we raised relating to the lack of an identified need for this level of housing in Mepal, the unacceptably high density of the proposed housing development and the increased pressure on drainage and sewerage systems where we already seen fairly frequent current problems in the village are also not addressed.

The amendment submitted has not altered our position regarding the status of the site, or any of our objections, and we feel strongly that a development of this type, size and density is not the right one for Mepal for all of our previously very detailed arguments.

**Sutton Parish Council - 23 June 2020**

No concerns about the application.

**Sutton Parish Council (following additional information) - 3 August 2020**

We have had a look this end, and as it is technically 'information only', we will not be adding any comments, but all original comments from the parish council still stand.

**Witcham Parish Council - 13 July 2020**

Witcham Parish Council considered the above application at its meeting last week and it was resolved that the Council had great concern about this development. Whilst it is not in the Parish of Witcham it does have an impact on our community. The density of housing is far too great for this rural location, and will generate a significant number of vehicles, many of which will take the back road up to Witcham, as a shortcut (as is already the known case), through Witcham village, and on up to Witcham Toll. There is already extensive queuing at Witcham Toll as vehicles travel to Cambridge, Ely, A10 north and Newmarket areas.

Witcham already experiences unacceptable levels of traffic, particularly at peak times, as people take the shortcut to Witcham Toll to avoid congestion at the Sutton roundabout on the A142, as Sutton vehicles and a great number from the west (Huntingdon/St Ives, Willingham and surrounding villages) join the A142. Increased traffic through Witcham will make problems at Witcham village crossroads as people leave High Street/Headleys Lane, Silver Street/Westway Place (where most of the housing in Witcham is located) causing more hazards for vehicles and pedestrians, particularly around the village bus stop and school bus stops (Children aged 4½ - 16) Unfortunately some of the vehicles taking the shortcut and coming through Witcham are also speeding and this again exacerbates our existing safety issues.

Visual impact - the proposed dwellings will have an adverse effect on this traditional rural village. The development is located at the one and only entrance point to the village and will totally change the character and current genuine rural feel of the

village. It is bound on the west side by the A142 which is one of the busiest A roads in the county. The proposed new dwellings will be victim to noise and air pollution. Vans not permitted on the estate - this will mean some residents will need to find on-street parking at other locations around the area causing congestion and potential hazards for other street users.

The proposed development is not in-keeping with the National Planning Policy Framework and several East Cambs Housing Policies. The existing infrastructure, services and facilities, including public transport do not lend themselves to supporting such a high number of dwellings of the proposed type.

We will copy this email to Mepal Parish Council. We understand there are a number of people in Mepal who are also concerned about the suitability of this application.

### 5.3 **Cambs Wildlife Trust - 4 June 2020**

1. The PEA appears to describe the character of the site accurately and covers protected species issues in accordance with established ecological practice.
2. However, it has not identified that the site and proposed development of over 50 dwellings is within the Impact risk Zones for the Ouse Washes SPA / SSSI. The LPA should therefore seek the views of Natural England, and further assessment of the potential impacts on the Ouse Washes may be required.
3. The application also does not include an assessment of Biodiversity Net Gain contrary to the NPPF and as an application for over 50 dwellings on a site of 2.6 Ha, I would expect such an assessment to be included.
4. The PEA notes presence of Wych Elm in the text where it is recognised that they support invertebrates such as white-letter hairstreak. However, they are not in the species list at appendix 1 and neither are they referred to in the recommendations. Elms are a typical species of Cambridgeshire and the Isle of Ely and support a number of specialist species such as white-letter hairstreak and white-spotted pinion moth. They should therefore be highlighted as having some ecological value, even if those on site are suffering from Dutch elm disease. Further the arboricultural survey highlights these for removal, and there does not appear to be provision made for native elms within the landscaping scheme.
5. Not all of the landscape plans appear to have been uploaded to the planning portal, as I could not find plan 18/317-03, which should have the species lists for the proposed wildflower meadow and trees and shrub species. I can therefore not comment on the suitability of the proposed species mixes.
6. Finally, there do not appear to be any management recommendations for the areas of open space and retained broadleaved woodland, or indications of how they will be maintained in the future, though I may have missed something within the documentation in this regard.

#### **Following clarification on point 5 of initial comments:**

The proposed wildflower mix is acceptable, however my previous comments regarding making provision for elms either retaining them within the existing hedgerows or including in the new hedge. I am also surprised there is no hawthorn included in the native hedge mix? Another possible option for including elms within

the scheme, would be to include them as part of enhancement / management of the broadleaved woodland.

**Cambs Wildlife Trust - 10 November 2020**

No further comments to make on the revised plans.

**5.4 County Highways Transport Team - 9 June 2020**

Transport Statement Review

**Sustainable Travel Provision**

The development is located within suitable walking and cycling distance to local facilities and amenities. The pedestrian and cycle audit is acceptable for use within this assessment. The surrounding pedestrian and cycle facilities are suitable to accommodate the development. The public transport audit is acceptable for use within this assessment.

**Accident Data**

The accident data submitted is out of date. The latest 60 months accident data should be provided for the Highway Authority to review. The developer should obtain and provide an analysis of the latest available data from the County Council via: [Business.Intelligence@cambridgeshire.gov.uk](mailto:Business.Intelligence@cambridgeshire.gov.uk).

**Traffic Data**

The traffic survey data used within this assessment is acceptable for use.

**Development Proposals**

The development is proposed to be served via a new access off Brick Lane. Site access details should be agreed with Highways Development Management who will provide separate comments. It is noted car and cycle parking provision will accord to parking standards listed within ECDC Local Plan. A new footway is proposed to be delivered along the northern site frontage. A dropped kerb crossing with tactile paving is also proposed to be delivered northeast of the site to connect the site to the existing pedestrian network in Mepal.

**Development Trip Generation**

The TEMPRO growth factors used within this assessment are acceptable for use.

Vehicle trip generation for the development should be calculated as vehicle trips rather than PCUs for CCC to review. Furthermore, the applicant is advised to undertake a TRICS assessment to calculate vehicle trip generation for the proposed development for comparison purposes.

**Trip Distribution**

Distribution of development traffic has been based on the observed turning proportions obtained from the traffic surveys. This is agreed.

**Highway Capacity**

The junction capacity assessments cannot be reviewed until such a time as the development vehicle trip generation is agreed.

## Conclusion

The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed, the Highway Authority would reconsider the application. CCC therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

## County Highways Transport Team – 3 July 2020

These comments regard the Transport Statement Rev A dated June 2020 submitted by Richard Jackson Ltd for the full planning application concerning the erection of 55 dwellings on the land to the south of Brick Lane, Mepal.

### Transport Statement Review

#### Accident Data

The latest available accident data has been presented as an update to the previous 60 months accident data submitted. Upon review of all the accident data, no accident cluster sites have been identified. This is acceptable for use.

#### Development Proposals

A new footway is proposed to be delivered along the northern site frontage. A dropped kerb crossing with tactile paving is also proposed to be delivered northeast of the site to connect the site to the existing pedestrian network in Mepal.

#### Development Trip Generation

The methodology used to determine vehicle trip generation for the development is agreed. The proposed development is anticipated to generate 35 two-way vehicle trips in the AM peak and 55 two-way vehicle trips in the PM peak.

#### Highway Capacity

CCC are satisfied with the junction assessments included within this assessment. It is noted all junctions modelled are anticipated to operate within capacity for all assessment scenarios.

## Conclusion

The application as submitted is not anticipated to cause detriment to the surrounding highway network. **CCC therefore have no objections to the application as submitted.**

### 5.5 **Ward Councillors** – Cllr Dupre and Cllr Inskip (District Councillors for Mepal) – 7 July 2020

Object.

Please see **Appendix 2** for full comments.

### 5.6 **Environmental Health (Scientific Officer)** - 1 September 2020

I have read the Air Quality Assessment report dated 06/12/19 prepared by MLM and accept the findings that the development is unlikely to have a significant impact on air quality.

I have read the Phase One Desk Study report dated March 2019 prepared by Richard Jackson and accept the findings that the risk of contamination is likely to be negligible. The report recommends limited contamination sampling to confirm this. However, this does not need to be controlled by a condition. I recommend that a condition requiring site investigation, etc. is not required. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential).

**Environmental Health (Domestic) - 2 June 2020**

Due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

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

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

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

I have read the noise report produced by Cass Allen and dated 4th December 2019. The noise report relies on closed windows and trickle ventilation to achieve target internal sound levels. Although I acknowledge that this is in line with national policy I am aware that the LPA will not find this acceptable and will expect internal levels to be met with a partially open window. Based on the average noise levels on the western edge of the site facing the road I do not expect acceptable internal levels to be met without mitigation. I would suggest that a combination of an acoustic barrier/fence, sensitive room placement and dual aspect glazing may be required to achieve acceptable internal sound levels.

With regard to external amenity areas, sound levels are expected to exceed the upper 55dB limit without mitigation. It is predicted that with 1.8m high closed boarded timber fence in locations depicted in Appendix 4, Figure 1 that levels can be achieved and I have no issues to raise with this.

To summarise, due to the close proximity to the A142 I am not comfortable supporting this application until a revised NIA is submitted which can demonstrate that acceptable internal sound levels can be achieved across the site with partially open windows.

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

### **Environmental Health (Domestic) – 13 October 2020**

I have read the revised NIA (Revision 5) dated the 1<sup>st</sup> October.

This latest revision incorporates the newly proposed 3.3m high acoustic barrier to the west of the site.

Assuming that you find the proposed barrier acceptable and you find the development necessary and desirable and relax the target internal sound levels by 5dB, Plots 6, 8, 14, 17, 18 and 27 are calculated to still marginally exceed acceptable levels by 1 dB (or 2dB in the case of Plot 8) during the night. Daytime noise levels are calculated to meet acceptable levels in all cases with the exception of Plots 8 and 27 where a 1dB exceedance is calculated. The report considers these to be minor exceedances which are negligible in practice as a change of up to 3dB is generally imperceptible in a normal environment.

I have examined the floor plans for Plots 6, 17, 18, 27 where I can confirm that sensitive room placement has been taken in to account with bedrooms located on the quieter façades.

I can't view the façade levels for the first floor of Plot 8 and I can't find the most current floor plan for Plot 14 (there are two superseded plans on the Portal) but with the minor exceedance levels being discussed I would be confident in stating that the acoustician and architect have designed the site to be as noise sensitive as possible with the layout proposed. The NIA has demonstrated compliance with national policy and the acoustic modelling will have a margin of error so I would not feel justified in raising objections on noise grounds. If you do not find the levels acceptable then a new site plan will likely be required.

### **5.7 Anglian Water Services Ltd - 28 September 2020**

#### **Section 1 - Assets Affected**

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

#### **WASTEWATER SERVICES**

#### **Section 2 - Wastewater Treatment**



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

#### Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

#### Section 4 - Surface Water Disposal

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

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

#### 5.8 **Building Control - East Cambridgeshire District Council - 25 June 2020**

The statement mentions that the dwelling design features will exceed the minimum fabric requirements of Approved Document L1a and as such this is acceptable from a building Control perspective, this would need to incorporate 2016 amendments.

A design SAP would need to be provided for each dwelling when an application for building regulations is submitted.

#### 5.9 **Cambridgeshire Archaeology - No Comments Received**

#### 5.10 **Cambridgeshire Fire And Rescue Service - 28 May 2020**

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

#### 5.11 **Local Highways Authority - 19 June 2020**

The highways authority has no objections in principal to this application

These comments do not supersede the comments and information requested by the CCC Transport Assessment team. They relate to the proposed access and internal arrangement only.

The junction with Brick Lane and Sutton Road is laid out to CCC standards and has the required inter-vehicle visibility for the posted speed limit. Brick Lane is also laid out to a standard that would accommodate the increase in traffic associated with a development of this size

The internal estate roads are not adoptable due to their arrangement. There is a proposed three-way junction at the centre of the estate. This layout has no priority direction and is potentially unsafe to road users so would not be accepted by the highway's authority. There is a standard road arrangement by plot 42 but has no footway on the desire line leading to the shared use area. This would likely result in pedestrian walking in the road to reach this area and would potentially be unsafe. The square raised table / area by plots 20/21 does not appear to be legible or suitably laid out for vehicle use. East Cambs as the parking authority should ensure that the parking spaces shown are large enough so that vehicles do not overhang the footways and they are practically placed and functional so as not to encourage residents to park on the estate roads.

**Local Highways Authority (following amendments) - 02 November 2020**

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

- The junction at the centre of the development has been improved. However, without a tracking diagram and shown radii dimensions I am unable to determine if the layout is acceptable for adoption but in my opinion it is no longer a highways safety concern
- There is a footpath shown through the POS with the entry / exit on to a vehicle crossover to plot 26 which is not acceptable
- Visitor parking space are not adoptable by the HA unless they serve a highways function and in this case they do not
- Adoptable shared use areas should have pedestrian platforms on either side (where a footway is present on either side of the access) to at min of 1m in to the shared use area
- I cannot commit the HA to adoption of this developments estate roads at this time for the above reasons. However, it is now laid out to a standard expected by the planning and highways authority

**Local Highways Authority (following further amendments) – 11 January 2021**

No objection to the widening of the road width to 5.5m/18ft (from 5m/16.4ft) and reduction in the foot ways to 1.8m/5.9ft (from 2m/6.56ft).

5.12 **CCC Growth & Development - 15 June 2020**

<b>Education Setting</b>	<b>Contribution sought</b>
<u>Early Years</u>	Contribution = £17,636 per place x 7 FTE = £123,452  Trigger: 50% prior to commencement, 50% prior to occupation of 50% of the scheme
<u>Primary provision</u>	No contribution required. There are forecast to be 18 children generated by this development. This means that by 2023/24 the total population will be 103 pupils and there will be sufficient capacity at Mepal and Witcham Primary School to meet this demand.
<u>Secondary provision</u>	Contribution = £24,163 x 10 = £241,630  Trigger: 50% prior to commencement, 50% prior to occupation of 50% of the scheme
<u>Libraries and Life Long Learning</u>	Contribution = 138 residents x £59 = £8,142 or £148 per dwelling.
<b>TOTAL:</b>	<b>£372,757</b>

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

5.14 **ECDC Trees Team - 24 June 2020**

No tree related objections to this application please see comments below.

The submitted Arboricultural Impact Assessment (AIA) is acceptable please condition a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of any demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.

- d) A full specification for the installation of boundary treatment works within or adjacent RPA's.
- e) A full specification for the construction of any roads in relation to RPA's, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- k) Methodology and detailed assessment of any agreed root pruning.
- l) Details of Arboricultural supervision and inspection by a suitably qualified tree specialist.
- m) Details for reporting of inspection and supervision.
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The submitted soft landscaping scheme if sufficient please condition its compliance and that the soft landscape works shall be audited at completion and verified against the approved soft landscape plans by a Landscape Architect, to ensure compliance with approved drawings. The Landscape Architect shall report all findings to the Local Planning Authority before sign off of Conditions and final planning approval.

**ECDC Trees Team (following amendments) – 4 November 2020**

No further comments from 24<sup>th</sup> June 2020.

**5.15 Housing Section - 4 June 2020**

The Strategic Housing Team supports the above application in principle, as it will exceed Policy HOU 3 of East Cambridgeshire Local Plan 2015 to deliver over 30% affordable housing on site. (55 dwellings to be secured as 100% affordable housing)

I note within the Design and Access Statement that the developer has advised they will be delivering 55% rented and 45% shared ownership which the council supports as it will help to meet a range of affordable housing needs across the development. I note that the DCLG; National Describes Space Standards are also being met.

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

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

5.16 **Waste Strategy (ECDC) - 15 June 2020**

No objection.

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

5.17 **NHS England - No Comments Received**

5.18 **Natural England - 12 June 2020**

Please refer to Natural England's letter dated 12 July 2019 regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI)

Natural England's generic advice on other natural environment issues is set out at Annex A.

Other advice

Your authority is advised to ensure that appropriate foul and surface water drainage strategies are agreed and delivery secured through planning conditions to ensure no adverse effect to the natural environment including the nearby Ouse Washes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on

"Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

5.19 **Parks And Open Space - No Comments Received**

5.20 **Environment Agency - 28 May 2020**  
No comments.

5.21 **Strategic Planning - No Comments Received**

5.22 **Design Out Crime Officers (Police) - 8 June 2020**

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime and completed a search of the Constabulary crime and incident systems for Mepal covering the last 2 years. I consider this to be an area of low vulnerability to crime.

While there is no specific security or crime prevention section in the Design and Access statement some consideration has obviously been given. This does appear to be an acceptable layout in relation to crime and the fear of crime but I would like to see an external lighting plan when available.

This office would be happy to consult with the applicant to discuss Secured by Design and measures to reduce the vulnerability to crime.

I have no further comment or objection at this time.

5.23 **Technical Officer Access (Access Group) - 8 June 2020**

The off-road parking is suitable for blind and partially sighted people because this keeps cars off the pavement.

The tactile paving where a new pavement is being formed on Brick Lane is a useful indicator for blind and partially sighted people when navigating the area.

With the bins having an allocated place to be stored, this is good for blind and partially sighted people as it keeps the bins off the pavement.

There's no paving to turn right onto Sutton Lane. As per section 1.5 in the introduction for the transport statement, it mentions being able to get to the primary school accessibly, but not the bus shelter or anything else on the south side of Sutton Road. This provision needs to be in place to ensure blind and partially sighted people can get to the bus stops for instance.

Current public transport provision is poor and irregular.

5.24 **The Ely Group Of Internal Drainage Board (IDB) - 11 June 2020**

The Board has no objection from a drainage point of view

5.25 **Lead Local Flood Authority (LLFA) – 11 January 2021**

Object on the following grounds:

1. Flood Risk to adjacent areas not sufficiently addressed  
The North-west corner of the site and the existing properties along the western end of Brick Lane are at high risk of surface water flooding. The site has a dominant slope to the north-west and lies significantly higher than the adjacent residential area. Information should be provided on how existing flood risk will be managed to prevent overland flows from the site exacerbating existing flood risk to the north-west.
2. Watercourse condition/capacity  
It has been proposed to discharge surface water from the site into the existing watercourse along the north-western boundary of the site. This watercourse is presumed to be the cause of high surface water flood risk in this part of the site, as highlighted in Section 5.3 of the Flood Risk Assessment. The condition and capacity of this watercourse must therefore be assessed to determine whether this watercourse is able to capture flows from the site without posing a risk of flooding to the site or adjacent areas.
3. Insufficient treatment of highway drainage  
Surface water from the highway is to be attenuated in oversized pipes before being discharged into the adjacent watercourse. Whilst a proprietary system has been proposed to treat surface water prior to it being discharged into the watercourse, such systems can be subject to blockage if not regularly maintained. We therefore advise that the proprietary system is complemented by additional SuDs to provide a sufficient level of surface water treatment in line with the Ciria SuDs Manual.
4. Insufficient SuDs for amenity and biodiversity  
Whilst the development proposes to incorporate permeable paving throughout the site, providing surface water quantity and quality management, the proposals do not satisfy the amenity and biodiversity pillars of SuDs design. The open space on site should be utilised to incorporate additional SuDs that offer benefits for amenity and biodiversity.
5. Shared maintenance of permeable paving  
According to the Maintenance Regime in Appendix I, all proposed permeable paving will be managed by homeowners. Householders should only be responsible for maintaining permeable paving within their individual property boundary. Permeable paving on shared surfaces should be managed by a private management company or adopting body.

#### 5.26 **Lead Local Flood Authority (following amendments) – 03 February 2021**

Based on the amended Site Specific Flood Risk and SuDs Assessment, dated 18<sup>th</sup> January 2021 and the response to the LLFA objection dated 18<sup>th</sup> January 2021, the LLFA can now **remove their objection** to the proposed development, subject to conditions requiring further surface water drainage details and securing the principles within the agreed Site Specific Flood Risk and SuDs Assessment, and to ensure that the watercourse to the north of the site has been rejuvenated to an

acceptable condition to ensure no increased flood risk on or off site from the proposed development.

5.27 **Neighbours** – 102 neighbouring properties were notified, three site notices were posted on 11<sup>th</sup> June 2020, and an advert published in the Cambridge Evening News. The responses received are summarised in **Appendix 3**. A full copy of the responses is available on the Council's website. No letters of support were received.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 4	Affordable housing exception sites
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
ENV14	Sites of Archaeological Interest
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

Natural Environment SPD

Climate Change SPD

Sutton Neighbourhood Plan - Policy NP3 (Sutton development boundary), NP7 (Housing Mix), NP2 (Protecting and Maintaining Features of Landscape and Biodiversity Value)

### 6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land



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

6.4 Planning Practice Guidance  
6.5 National Design Guide, 2019

## 7.0 PLANNING COMMENTS

7.1 The main considerations in determining this application are the principle of development, visual amenity, design and layout, residential amenity, affordable housing and mix, trees and landscaping, drainage, biodiversity, highway safety and parking provision, energy efficiency and renewable energy strategy.

### 7.2 **Principle of Development**

7.3 The proposal would provide 55no. single storey and two-storey affordable dwellings, open space areas and associated infrastructure provisions. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The adopted Development Plan is the East Cambridgeshire Local Plan, 2015 and due to the site's location, the Sutton Neighbourhood Plan, 2019.

7.4 Since April 2020 the Council has been able to demonstrate an adequate 5 Year Housing Land Supply, as demonstrated first in its *Five-Year Land Supply Report – 1 April 2019 to 31 March 2024* (published April 2020) and later in its updated *Five-Year Land Supply Report – 1 April to 31 March 2025* (published December 2020). The latter report confirmed that from January 2021 the Council had a 6.14-year supply of deliverable housing land. That calculation included a 20% buffer as required by paragraph 73 of the NPPF based on a 2019 Housing Delivery Test (HDT) result of 66%.

7.5 The 2020 HDT result (published in January 2021) indicates that housing delivery in the District has improved to 87%. As a result of the HDT exceeding 85%, the appropriate paragraph 73 buffer falls to 5% which has the effect of increasing the Council's housing land supply to 7.01 years. This adequate housing land supply means that the Council considers its policies relating to housing delivery up-to-date and gives them full weight in the determination of this application.

7.6 The site is situated outside of the defined development envelope of the Parish of Mepal and therefore is considered to be in the countryside, as set out within Policy GROWTH 2 of the Local Plan. However, the site also falls within the designated Sutton Neighbourhood Plan area boundary and therefore the policies within the Sutton Neighbourhood Plan, 2019 also form part of the assessment of this proposal.

7.7 Paragraph 78 of the NPPF states that to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Policy Growth 2 of the Local Plan, 2015, states that outside development envelopes, development will be restricted and controlled, having

regard to the need to protect the countryside and the setting of towns and villages. Development will be restricted to a limited list of exceptions such as for affordable housing schemes, dwellings for essential rural workers etc, as listed in the Policy. Therefore, this proposal is considered to be development which would meet this policy as the proposal is a 100% affordable housing exception scheme and therefore in accordance with this policy it should be assessed under Policy HOU4 of the Local Plan.

- 7.8 However, as mentioned above, the site falls within the Sutton Neighbourhood area and therefore the Sutton Neighbourhood Plan (SNP), 2019, is relevant and would apply in this case. Policy NP3 of the SNP is particularly relevant as it refers to the development envelope and supports sustainable proposals within the envelope provided there are no other material impacts on residents and the local environment. The policy also states:

*“Land outside of the Development Envelope is defined as countryside where development will normally only be allowed for agriculture, horticulture, forestry, outdoor recreation and other uses which can demonstrate a need to be located in the countryside”*

- 7.9 The site is situated outside of both the Mepal and Sutton development envelopes. The proposed development is considered to be a rural exception site as the scheme proposes 100% affordable housing and would therefore fall under Policy HOU4 of the Local Plan. However, the Sutton Neighbourhood Plan is the most up to date plan. Under Section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. Conflicts between development plan policies adopted, approved or published at the same time must be considered in light of all material considerations including local priorities and needs, as guided by the NPPF. The Sutton Neighbourhood Plan was adopted in May 2019 and therefore the policies contained within this document carry full weight against the Local Plan in determining planning applications within its boundary as it is the most up to date policy. The proposed site falls within the Sutton Neighbourhood Plan boundary, and therefore Policy NP3 applies which is clear in that it does not support any housing development outside the settlement boundary. The proposed development therefore fails to comply with this policy and cannot be supported in principle.

- 7.10 A letter from Birketts LLP on behalf of the agent was received on 15<sup>th</sup> January 2021 which advises that there is no conflict between policies NP3 of the Sutton Neighbourhood Plan and Policy HOU4 of the Local Plan (attached as **Appendix 4**). The letter also claims that the Sutton Neighbourhood Plan is silent on rural exceptions sites and that Policy NP3 does not preclude development outside of the settlement boundary. The letter does not acknowledge Section 38(5) of the Planning and Compulsory Purchase Act 2004 which clearly states that where there is conflict between policies, we must favour the most up to date adopted policy, which is Policy NP3. Therefore, the LPA disagrees with this view. Furthermore, it is considered that the Sutton Neighbourhood Plan is not silent on rural exception sites, rather, policy NP3 clearly states development that is acceptable within development envelope. The policy does not intend to prescribe what is not allowed outside the

framework; instead it prescribes what is allowed, and within that list, affordable housing development is not one of them. It is therefore considered that Policy NP3 has been correctly applied to this proposed development and in accordance with Section 38(5) of the Planning and Compulsory Purchase Order, 2004. Further assessment of the other relevant materials considerations of the proposal are addressed below in this report.

7.11 It is considered that the proposed development is contrary to Policy NP3 of the Sutton Neighbourhood Plan, 2019, and is therefore not acceptable in principle.

#### 7.12 **Residential Amenity**

7.13 In terms of residential amenity, Policy ENV2 of the Local Plan is relevant and seeks to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

7.14 The proposal would provide a mix of both single storey and two storey dwellings. There would be 10 single storey bungalows located at plots 1, 2, 7, 8, 50 – 55, mainly to the northern side of the site. The rest of the site would comprise of two-storey dwellings. The nearest existing dwelling to the site is The Bungalow on the corner of Brick Lane and Sutton Road. There is a row of two-storey semi-detached dwellings along Brick Lane, which would be opposite the site. The proposed dwellings which surround The Bungalow, are all single storey. Plots 1 and 53 are the dwellings nearest The Bungalow. Plot 1, to the West of The Bungalow measures 4.9m/16ft in height and is positioned 6.5m/21.3ft away from the common boundary with The Bungalow, measured from the nearest points. The built form of the proposed property would be 36m/118ft from the existing bungalow, and there is a single storey flat-roofed garage in between these buildings. The Council's Design Guide SPD recommends that the rear elevation of any dwelling to be located at least 10m/32ft from the rear boundary. Plot 1 would be less than 10m away from the rear boundary. However, given there is a garage in between the proposed building and the existing building, they are both single storeys and the actual buildings/inter-visible windows are separated by more than 20 metres/66ft, as stated in the Design Guide, it is considered that this relationship is acceptable and would not be detrimental to the residential amenity of either existing or future occupiers. The proposed Plot 1 is a corner plot and has a more spacious amenity space around the building, with a building footprint of 90m<sup>2</sup>/969sq.ft. Plot 53 is to the South of The Bungalow and also measures 4.9m/16ft in height and its side elevation is positioned 4.5m/14.8ft away from the common boundary with The Bungalow. It is also considered that this relationship is acceptable and would not be detrimental to existing or future residents' amenity.

7.15 Plot 2 is also a single storey dwelling facing onto Brick Lane, plots 3 – 6 are all two-storey dwellings, and plots 7 and 8 are single storey dwellings. These are all set back from the road, opposite the existing dwellings along Brick Lane. It is considered that the relationship between these plots and the existing built form is acceptable and would not cause an unacceptable or significant impact on the residential amenities of these properties by way of over-looking or over-shadowing. The rest of the proposed dwellings are far enough away from existing residential

properties within Mepal and would not cause any significant harm to residential amenity on this basis.

- 7.16 In relation to residential amenity for future occupiers, the Council's Design Guide SPD recommends that all new dwellings should have a minimum of 50m<sup>2</sup>/538sq.ft of private amenity area and a plot size of no less than 300m<sup>2</sup>/3229sq.ft. 35 (64%) out of the 55 plots have plot sizes of less than 300m<sup>2</sup>/3229sq.ft, but the footprint size of the proposed dwellings is no more than a third of the plot size, which is another requirement of the Design Guide. Plot 25 is the smallest plot at 147m<sup>2</sup>/1582sq.ft. However, given that there is a high number of plots sizes below the recommendation, this causes concern and it is considered that cumulatively, this would result in some plots not offering adequate or healthy amenity space for future occupiers and is unacceptable.
- 7.17 The western boundary of the site is situated adjacent to the A142 road, which is a busy 60mph single-carriage road. It is worth noting that there is a thick and dense area of vegetation which separates the site from the road, and that the road level is approximately 2.5m/8.2ft higher than the nearest part of the site. The vegetation then becomes less dense and sparser as you enter Sutton Road, skirting around the eastern edge of the site. The ground levels also start to drop as you follow Sutton Road round into the village. The applicant has submitted a noise assessment in relation to residential amenity. The assessment considers noise levels in living rooms during the day, noise levels in bedrooms during the day and at night, and average noise levels in external areas during the day. The assessment does state that noise levels around plots 6, 8, 14, 17, 18 and 27 would marginally exceed the guidance figure at night time by about 1dB (or 2dB in the case of Plot 8). The noise mitigation measures proposed would also include a 3.3m high acoustic barrier which would run along the entire western boundary, stopping at plot 26. This barrier would be set behind the dense thick vegetation and would not be highly visible and would help to attenuate any traffic noise from the A142 road.
- 7.18 The noise assessment has been reviewed by the Environmental Health Officer and identifies that the most sensitive plots would be plots 6, 8, 14, 17, 18 and 27. He also acknowledges the night time noise levels but has advised that the extra 1dB, or 2dB in the case of plot 8, would not be significant. Furthermore, the design of these dwellings has considered the relationship with the road, and the most sensitive habitable rooms are located on the quieter façade and would therefore not suffer from undue daytime or night time noise. These minor exceedances in noise levels would affect only a small number of plots on the development and it is considered would not be sufficient to warrant refusal of the application on this basis. It is considered that the impact of noise on residential amenity would not be significant, allowing future occupiers to be able to open their windows for fresh air and not rely on mechanical ventilation.
- 7.19 It is therefore considered that the proposed development would not have a significant impact on the residential amenity of existing or future occupiers by way of over-looking, over-bearing, nor from significant impact from noise pollution and the proposed development would comply with the relevant sections of Policies ENV2 and ENV9 of the Local Plan. However, it is considered that the inadequate plot sizes for the majority of the plots do not comply with the recommendations from the Design Guide SPD and would cumulatively have an impact on the reasonable

residential amenity for future occupiers. The proposed development therefore does not wholly comply with Policy ENV2 of the Local Plan, 2015 and the Design Guide SPD, in relation to ensuring high standards of amenity.

## 7.20 **Visual Amenity, Design and Layout**

7.21 Policy ENV1 of the Local Plan, 2015 relates to landscape and settlement character. In particular to this application, the policy seeks:

*“Development proposals should demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance:*

- *The pattern of distinctive historic and traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerow and walls, and their function as ecological corridors for wildlife dispersal;*
- *The settlement edge, space between settlements, and their wider landscape setting;*
- *Key views into and out of settlements;*
- *Public amenity and access”*

7.22 Policy ENV2 of the Local Plan, 2015 relates to design and states:

*“Design which fails to have regard to local context including architectural traditions and does not take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable and planning applications will be refused”*

The policy goes on and states that *“All new development proposals, including new buildings and structures and extensions and alterations to existing buildings and structures will be expected to:*

- *Make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area;*
- *Be developed in a comprehensive way, avoiding uncoordinated piecemeal development, to create a strong and attractive sense of place and local distinctiveness;*
- *Ensure that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right;*
- *Provide structure and legibility to navigate through developments by making use of existing views, vistas, landmarks, and built and natural landscapes and creating new ones;*
- *Provide enclosure to streets and spaces through the grouping, positioning and height of buildings and landscape features, and road layouts”*

7.23 The National Design Guide, 2019, is a Planning Practice Guidance document which supports the Council’s Local Plan and SPDs and provides guidance in terms of

design. The National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice and therefore is a useful tool to be read alongside our Local Plan Policies and our Design Guide SPD to encourage good design. The National Design Guide encourages well-designed places to have individual characteristics which work together to create its physical character. The National Design Guide identifies 10 main characteristics to help to nurture and sustain a sense of community and they all contribute towards the cross-cutting themes for good design set out in the NPPF. These characteristics are: Context, Identity, Built Form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan. These characteristics are all echoed within our Local Plan across a number of policies.

- 7.24 The site is currently an unoccupied agricultural field, surrounded by vegetation along the boundaries with the A142, Sutton Road, and Brick Lane (in part), but nonetheless, a green field as you enter the village. The site is accessed via a new access from Brick Lane. It is considered to be a sensitive site as it sits on the edge of the village and provides a green buffer as you enter the village. However, the site has no special designation and is not specifically protected for its local landscape value in the area. It is accepted that Mepal village is defined by a mix of dwelling types and has had several new developments approved during the last 20 or so years which has introduced modern architecture into the village among the traditional styles. The site area is 2.63ha/6.5 acres. The density of the proposed development is 21 dwellings per hectare/8 dwellings per acre. The proposed density is considered to be acceptable for this edge of settlement location where lower densities are considered to be more appropriate, respecting the rural character of the village and wider landscape.
- 7.25 The proposal is essentially split up into three quite differently designed parts, separated by the spine road. Brick Lane has quite a unique form of dwellings, which is very traditional and uniform. The semi-detached, two-storey forms, set back from the road, define Brick Lane and is distinctive. The proposed development would be introducing built form on the opposite side of the road, removing a vast and established line of hedgerow. Plots 1, 2, 7 and 8 would be single storey whilst the plots in between (Plots 3-6) would be two storeys. The single storey dwellings would measure 4.7m/15.4ft in height, plots 3 & 4 would measure 8m/26.2ft in height and plots 5 & 6 would measure 8.3m/27.2ft in height. Plot 1 is detached from this row along Brick Lane and is considered to relate more with the adjacent plots on this eastern corner of the site. It is considered that plots 2-8 do not strictly reflect the character of Brick Lane as all the dwellings are 2-storey and therefore makes this section of the site unbalanced. Whilst the dwelling, known as The Bungalow, sits on the corner of Brick Lane, it is the only property that is single storey and therefore it is considered that this does not pre-dominates the character of Brick Lane, which comprise mainly of two-storey dwellings. It is considered that the built form on Brick Lane is strong, and the proposed built form does not respect the character or existing pattern of development on Brick Lane. Furthermore, it does not relate sympathetically with the existing dwellings as the proposed dwellings are positioned closer together and do not benefit from the wider gaps that are evident along the existing row of dwellings. 4no. separate accesses would be created along Brick Lane to serve plots 2-8, which would involve culverting a ditch which currently runs along this side of Brick Lane. It is considered that whilst these accesses do not themselves necessarily harm the character of the

area, the built form which they serve would not be appropriate and does not create a quality scheme in their own right.

- 7.26 The north eastern corner of the development would comprise of all single storey dwellings (Plots 1, 50-55). This area is already characterised by the single storey existing dwelling, known as The Bungalow, which sits on the corner of Brick Lane and Sutton Road. Plot 1 and plots 50 -55 would be 4.7m/15.4ft in height. In terms of the layout, it is considered that the pattern of the proposed housing is awkward and fails to take the opportunity to respond to the contours of the road form and bring a sense of identity through its built form. Parking spaces are located tight to the footway and to the shared spaces, which will depend on occupiers parking their cars very careful on the plot to avoid any over-hang onto the public footway or highway. Parking dominates this section and it is unsure how the green spaces contribute to this part of the site, as it does not seem to have a specific function or use, and would not be adopted as public open space.
- 7.27 The remainder of the site comprises all two-storey houses. In terms of the general layout, the development is accessed from Brick Lane with the access framed by two detached bungalows (Plots 1 and 2). The right-hand arm of the access road turns through ninety degrees and passes a street scene of detached and semi-detached dwellings with the 'pocket park' and crescent forming the southern street scene. The road then turns left through another ninety degrees with residential properties on the left with parking and landscaping planting forming the boundary (with the acoustic barrier) with the existing vegetation along the A142. The road then turns again before terminating in a residential mews style development arranged around a central parking area.
- 7.28 The left-hand arm of the access road is characterised by the single storey development on the left before encountering a large area of open space fronted by detached family homes, which provide natural surveillance over the open space as well as a street scene to the Sutton Road.
- 7.29 In terms of the design and layout, it is considered that this section lacks identity and distinctiveness which does not respect the edge of settlement character of the village. The design and layout does not take the opportunity to provide character areas that are meaningful and provide visual interest or features to help navigate through the development. The layout does not provide any focal buildings which draws the eye and to also add interest within the street scene. The form and layout of the built form and its relationship with the open spaces and the road fail to create a sense of place, promoting inclusion and cohesion. The parking layout around the crescent that surround the pocket park area are poorly positioned, and the parking for plot 36 is not adjacent to its host dwelling.
- 7.30 The mews style development in the southern end of the site appears very cramped and contrived with car parking dominating the hard-landscaped areas. This style of development is not characteristic of Mepal and is not considered to be appropriate on an edge of village location where we would expect development forms to be looser and less cramped.
- 7.31 In relation to the proposed design of the dwellings, the dwellings are traditional in their style, however they lack interest and detail. The local identity is made up of a

varied character. However, the National Design Guide PPG advises that *“Well-designed places are visually attractive and aim to delight their occupants and passers-by. Well-designed places appeal to all our senses. The way a place looks, feels, sounds, and even smells, affects its enduring distinctiveness, attractiveness and beauty”*. It is considered that in terms of the architectural style, the applicants have missed an opportunity to bring creativity and incorporate some sympathetic and interesting detailing such as chimneys, for example, which help to break up and introduce visual interest across the roof scape. Chimneys are a feature seen on Brick Lane and along Sutton Road. Furthermore, the site is situated on an important corner of the village and would be visible from Sutton Road and Brick Lane. Therefore, it is disappointing that the scheme does not take advantage of creating a sense of place which is attractive and distinctive. On this note, The National Design Guide states: *“Well-designed places contribute to local distinctiveness. This may include introducing built form and appearance that adds new character and difference to places”*. It is not always a requirement to design new communities which reflect existing house types, and it is clear from Planning Guidance and Policy ENV2 of the Local Plan that we should be aiming to improve the quality of places by being creative and sympathetic to the existing built environment and the wider landscape setting. It is considered that this proposal does not achieve this.

- 7.32 In relation to visual amenity, the site ground levels are lower than the roads, the natural vegetation which bounds the site from the road help to mitigate the visual impact of the development, although where the vegetation is sparse along Sutton Road and from Brick Lane, clear views can be seen of the development at these points. Street elevations have been submitted which demonstrates that the proposal would not be highly visible in the landscape from long distance views.
- 7.33 The site is closely situated to the main village and therefore connectivity to the wider area is acceptable. A new footpath would be created along Brick Lane in front of the proposed dwellings, connecting to Brick Lane, and a dropped kerb with tactile paving would also be created to allow a safe crossing to the north side of Brick Lane to ensure a safe route to the rest of the village.
- 7.34 It is considered that, cumulatively, the proposed development has not been developed in a comprehensive way to create a strong and attractive sense of place and local distinctiveness. Furthermore, it is considered that the proposed development, by virtue of its design, layout and form, fails to relate sympathetically to the surrounding area and each other, and does not create a quality scheme in its own right. The proposed development, is therefore considered to be contrary to the aims and objectives of Policy ENV2 of the Local Plan, the Design Guide SPD, chapter 12 of the NPPF, 2019, and the National Design Guide PPG, 2019.
- 7.35 **Affordable Housing and mix**
- 7.36 The proposal is intended to deliver 100% of the 55 dwellings on site as affordable housing. The tenure split is proposed to be roughly 45:55 shared ownership and rented, the details of the split are outlined below:



House Type	Tenure		Total
	Shared Ownership	Rented	
1-bed House	2	4	6
2-bed House	5	12	17
2-bed Bungalow	3	2	5
3-bed House	8	8	16
3-bed Bungalow	4	1	5
4-bed House	3	2	5
5-bed House	0	1	1
<b>TOTAL</b>	<b>25</b>	<b>30</b>	<b>55</b>

- 7.37 Policy HOU4 allows for development outside defined settlement boundaries for affordable housing, where a number of criteria are met. The proposed development would normally be assessed against this policy as it meets the definition of an exception site under Policy Growth 2 of the Local Plan. However, as addressed under paragraph 7.7 of this report, this policy is overridden by Policy NP3 of the Sutton Neighbourhood Plan which is more up-to-date and does not support this type of development outside of the village framework.
- 7.38 Mepal Parish Council, in their comments, refers to guidance within the NPPF relating to entry level exception sites (paragraph 71) and has quoted footnote 33 of the paragraph which states that entry level sites should not be larger than one-hectare in size or exceed 5% of the size of the existing settlement. Entry level exception sites would only be encouraged to meet a housing need that is not otherwise being met in the authorities' area. The applicant has confirmed that the proposed development has come forward as a rural exception site (policy HOU4 of the Local Plan) and that an entry level exceptions site is not being proposed for this development, therefore paragraph 71 of the NPPF is not relevant in the consideration of this application. Paragraph 77 of the NPPF specifically relates to rural exception sites and that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.
- 7.39 In relation to the proposed mix of affordable dwellings, Policy HOU1 of the Local Plan is relevant and suggests that there is a need for more 2 and 3 bed dwellings which this proposed development would provide. Policy NP7 of the Sutton Neighbourhood Plan is also relevant and echoes Policy HOU1 but with emphasis on housing development contributing to meeting the needs of the village. the Council's Housing Strategy and Enabling Officer advises that the mix is acceptable and meets the current local need. The Design and Access Statement states that the local housing register identifies that 83 people have a preference to live in Mepal and 11 people have a local connection. After speaking to the Housing Officer regarding these figures, she has advised that these figures are out of date and would not

reflect the current housing need, through the passage of time (The figures quoted are from 2019). In order to have a clear and up-to-date understanding of the local housing need, it was advised that a Housing Needs Survey should be carried out, which would specifically identify the housing need for Mepal. This has not been carried out and therefore this claim cannot be substantiated. However, a Housing Needs Survey is not necessary in assessing whether an application should be refused on this basis, and as the Housing Officer is advising that the scheme is acceptable to meet a local need. This is supported and can be secured as part of the S106 Legal Agreement to allow the housing to be offered to any local residents in the first instance with a hierarchy mechanism which allows the affordable housing to be offered to those on the housing needs register from nearby villages. Therefore, it is considered that the proposed development, if approved, would contribute towards meeting a local need and the mix proposed is considered to be acceptable.

#### 7.40 **Highway Safety and parking provision**

7.41 Policy COM7 of the Local Plan refers to Transport Impact and expects all new development to:

- provide safe and convenient access to the highway network;
- provide a comprehensive network of routes giving priority for walking and cycling;
- consider the travel and transport needs of people with disabilities;
- be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality;
- be accompanied by a Transport Statement where appropriate

7.42 The application has been accompanied by a Transport Statement which has been assessed by the County's Transport Team. After receiving further information, the details are supported by the County's Transport Team and they conclude that the proposal would not have a detrimental impact on the wider highway network.

7.43 The site and the village of Mepal is connected to the A142 single carriage road which connects Mepal to our other District villages and towns to the south and beyond, and Fenland District Council settlements to the North and beyond. It is the main road which connects the village to the wider area and it is acknowledged that this road carries a lot of traffic, although this has recently been affected by the Covid-19 pandemic.

7.44 It is understood that due to the development proposing 55 units, a full Transport Assessment is not required, as this number of dwellings is not expected to have a significant impact on the highway network. The LPA also have a number of current planning applications which also feed into the same highway network (A142) which are larger and propose more residential units. The County's Transport Team have objected to these larger schemes because of their impact on the highway network which is already at over capacity for coping with traffic and any further development along this route would put additional pressure on the wider highway network to the detriment of highway safety. Further clarification from the County's Transport Team

was sought to understand this situation, and to ensure consistency, which is as follows:

*“Application 20/00630/FUM is for 55 dwellings, and therefore due to its size only requires a Transport Statement (TS) in accordance with the County Council Transport Assessment (TA) Requirements document and the NPPF. Sites of below 70 dwellings are not required to produce a TA or undertake junction modelling, the reason being that the trip impact of smaller developments is not significant, with the impact falling within normal daily variation i.e. the modest number of trips from these smaller developments are not statistically significant.*

*Application 19/01707/OUM is for 173 dwellings\* and due to its size does require a TA with full junction modelling to assess its impact on the highway network. This application is triple the size of the aforementioned, and it will therefore result in a more significant trip intensification – leading to potentially severe impacts”.*

\*This application is at Mepal Road, Sutton, and is currently pending consideration.

- 7.45 The site plan has been amended also to overcome concerns raised by the Local Highways Authority relating to the internal road design, which have now been amended to ensure that the road widths are 5.5m in width with a 1.8m wide footway. The access from Brick Lane was also assessed, together with the new footpath to be created along Brick Lane, and the dropped kerb and tactile paving crossing, and are considered acceptable from a highway safety point of view.
- 7.46 It is therefore considered that the proposed development would not have a significant detrimental impact on the highway network and complies with Policy COM7 of the Local Plan, 2015.
- 7.47 In relation to the parking provision, Policy COM8 of the Local Plan is relevant. The policy states that development proposals should provide adequate levels of car and cycle parking, and make provision for parking in accordance with the Council’s parking standards. The proposed development provides 2 car parking spaces per dwelling, in accordance with our standards, plus one visitor space per four dwellings. A minimum of two cycle parking spaces can be accommodated in the secure garden sheds, which would also be provided for each dwelling.
- 7.48 It is therefore considered that the proposed development complies with Policies COM7 and COM8 of the Local Plan, 2015, in relation to highway safety and parking provision.
- 7.49 **Trees and Landscaping and Public Open Space**
- 7.50 In terms of trees and landscaping, Policies ENV1 and ENV2 of the Local Plan are relevant. Policy ENV1 relates to Landscape and settlement character and expects all new development proposals to demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features and their function as ecological corridors for wildlife dispersal. The policy also seeks to protect conserve or enhance the settlement

edge, space between settlements, and their wider landscape setting, and key views into and out of settlements. Policy ENV2 of the Local Plan seeks all new development to retain existing important landscaping and natural and historic features and include landscape enhancement schemes.

- 7.51 The application is accompanied by a detailed landscaping plan and an Arboricultural Impact Assessment. As part of the soft landscaping plan, the existing vegetation along the boundary with the A142 would be mostly retained and would act as a natural buffer between the A142, the acoustic fencing proposed and the site. The applicant proposes to remove a section of existing hedgerow on the site in order to facilitate the new access via Brick Lane. Additional planting will be created along the Brick Lane frontage to help soften the edge and provide a replacement habitat for wildlife. The applicant proposes sections of wildflower seeded areas around the edges of the development and around the main public open space area. There would also be a number of trees planted across the site, within the public open space areas, along the A142 frontage, and in-between car parking spaces. A Measured Work Schedule for the detailed soft landscaping proposal has also been submitted with the application. It is understood that all of the landscaping for the public open spaces (and all communal areas) would be maintained by a management company, details of which are contained within this document. The Shared Ownership occupiers would be responsible for their immediate plot area and any adjoining land, and the occupiers of the social rented properties would be responsible for the plot areas only.
- 7.52 The Council's Tree Officer has assessed the soft landscaping plan and the Arboricultural Impact Assessment and has advised that both are acceptable and has recommended conditions requesting a tree protection plan and an Arboricultural Method Statement to be submitted prior to any development taking place. It is also noted from the Wildlife Trust's comments that there are some important Wych Elm trees on the site which are proposed to be removed. Elms are a typical species of Cambridgeshire and the Isle of Ely and support a number of specialist species such as white-letter hairstreak and white-spotted pinion moth. It has been suggested that the re-planting of Elm should form part of the overall tree planting strategy which would also help to support these moths. These details can be secured by condition, if the application is approved. Notwithstanding the concerns about the overall design and layout of the proposed development, mentioned in this report, the landscaping proposal is considered to be acceptable and a condition can be appended to secure these details.
- 7.53 In relation to the open spaces, the proposal is required to provide open space in accordance with Policy Growth 3 of the Local Plan and the Developer Contributions SPD. The proposed development would provide two areas of open space, the main area, to the eastern edge of the site, and a small crescent area ('Pocket Park') in the middle of the site. The main POS would provide some play equipment and incorporate planting and trees. The 'Pocket Park' crescent would be a laid to lawn with three trees planted. It is also indicated that some seating equipment would also be added to this area, details to be confirmed as part of a condition if the application is approved. The total amount of public open space provision is 3,857.2sqm/41,516.4sqft. The area required to be policy compliant is 3,462.3sqm/37,268sqft. Therefore, this provision exceeds the requirement by 394.9sqm/4,251sqft and is therefore considered to meet the requirements of the

Developer Contributions SPD and the needs of future occupiers. Therefore it is considered that the quantum of public open space is acceptable and accords with Policy Growth 3 of the Local Plan and the Developer Contributions SPD.

7.54 **Biodiversity**

7.55 In relation to biodiversity, Policy ENV7 of the Local Plan and Policy NP2 of the Sutton Neighbourhood Plan are relevant and expects all new development 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;
- Provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable; and
- Maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of the development proposals.

7.56 The Natural Environment SPD is also relevant, in particular Policy NE6 – Biodiversity Net Gain, which supports Policy ENV7 and states *“Proposals which do not demonstrate that the post-development biodiversity value of the onsite habitat will not significantly exceed the pre-development biodiversity value of the onsite habitat will be refused”*.

7.57 The application is accompanied by a Preliminary Ecological Appraisal and Bat activity report. The site itself is not covered by any statutory or non-statutory wildlife site designation. However, the site is within 2km of the Ouse Washes SSSI, Special areas of Conservation (SACs) and Special Protection Area (SPA). The Ecological report concludes that the site has a low ecological value, although the vegetation that surrounds the site would provide some habitat value for wildlife and act as a wildlife corridor around these edges. In relation to bats, the survey confirmed that the northern hedgerow was used by individual common pipistrelle bats for commuting and common and soprano pipistrelle bats for foraging, and that they are considered to be of District, Local or Parish importance for both commuting and foraging bats. The proposal to remove and replace the hedge as part of the development construction to facilitate the new access should not result in significant adverse impacts on the local bat population. The woodland in the southwest of the site is to be retained and the proposed development should not result in a significant adverse impact on foraging bats. The site is likely to be of value to a small range of common hedgerow nesting bird species, but not an assemblage that would confer the site with any particular ornithological significance.

7.58 Natural England have been consulted and have advised to follow their standing advice in relation to the recreational pressure impacts on the SSSI. It is considered that the proposed development would not detrimentally affect the SSSI site and would include a good level of on-site open space which would reduce the recreational pressure impacts on the SSSI. The site also does not have any direct routes or public access to the SSSI, further reducing the impact.

- 7.59 The Wildlife Trust were consulted and requested that a biodiversity net gain calculation should be submitted in accordance with Paragraph 175 (d) of the NPPF. This was requested but has not been received and therefore it has not been sufficiently demonstrated that the proposal can achieve a net gain in biodiversity. It is therefore considered that the proposed development does not comply with Policy ENV7 of the Local Plan, 2015, Policy NP2 of the Sutton Neighbourhood Plan, 2019, paragraph 175(d) of the NPPF, or Policy NE6 of the Natural Environment SPD.
- 7.60 **Flood Risk and Drainage**
- 7.61 In relation to flood risk and drainage, Policy ENV8 of the Local Plan is relevant. The policy seeks to ensure that all new developments and re-developments should contribute to an overall flood risk reduction. The policy also seeks to ensure that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site.
- 7.62 The site is located within Flood Zone 1 which is at low risk of flooding and where new development should be directed to. A detailed site-specific flood risk and SuDs assessment accompanies the application which has been assessed by the Lead Local Flood Authority (LLFA). The LLFA objected to these details for the reasons set out in paragraph 5.25 of this report and requested further information.
- 7.63 Amendments to the Flood Risk and SuDs Assessment were received, along with further information and the LLFA were re-consulted. The LLFA have advised that these amendments are acceptable and has withdrawn their initial objection, subject to 2 conditions requesting further surface water drainage details and securing the principles within the agreed Site-Specific Flood Risk and SuDs Assessment, and to ensure that the watercourse to the north of the site has been rejuvenated to an acceptable condition to ensure no increased flood risk on or off site from the proposed development.
- 7.64 In relation to foul water drainage, Anglian Water have confirmed in their comments that there is sufficient capacity in the existing drainage system (Mepal Water Recycling Centre) to accommodate the proposed development.
- 7.65 It is therefore considered that the proposed development complies with Policy ENV8 of the Local Plan, 2015 in relation to flood risk and drainage.
- 7.66 **Other Material Matters**
- 7.67 In relation bin storage and collection, a plan has been submitted to show that there would be adequate bin storage for each property and bin collection points, including communal collection points across the site. The Council's waste team has raised no objection to this plan and therefore the details comply with Policy ENV2 of the Local Plan.
- 7.68 In relation to pollution, Policy ENV9 of the Local Plan is relevant. The Policy seeks all new development proposals should minimise, and where possible, reduce all

emissions and other forms of pollution, including light and noise, and ensure no deterioration in air and water quality.

- 7.69 Given the proximity of the A142 and the level of traffic using the road, an assessment of air quality on the site accompanies the application and concludes that with appropriate mitigation measures, including a construction environmental management plan, the residual impacts of the construction phase on air quality will be negligible. The air quality assessment has been assessed by the Council's Scientific Officer who advises that it is acceptable.
- 7.70 Furthermore, land contamination has also been considered. A phase one desk study has been submitted and assessed by the Council's Scientific Officer who advises that it is acceptable and that a further assessment (Phase 2) is not required. A condition can be appended requesting the reporting of any further site contamination to the LPA, if the application was approved. The proposed development therefore complies with Policy ENV9 of the Local Plan, in respect of pollution.
- 7.71 In relation to archaeology, the application is also accompanied by a Written Scheme of Investigation (WSI) in accordance with Policy ENV14 of the Local Plan. The post excavation evaluation report concludes that *"while any land on Fen Islands has the potential to contain archaeological remains due to dry land being scarce (Bray 1997,5)....it appears that the land to the South of Mepal village was primarily used for agriculture"* The County Archaeology team were consulted but made no comments, and based on the conclusions of the WSI, no additional archaeological investigations are proposed as the risk to archaeology would not be significant. The proposed development therefore complies with Policy ENV14 of the Local Plan.
- 7.72 In relation to renewable energy and sustainability, Policy ENV4 of the Local Plan is relevant and requires all proposals for new development to aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy; first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. Policy CC1 of the Climate Change SPD is also relevant. An Energy and Sustainability Statement accompanies the application and would offer a fabric first approach, using more sustainable materials for construction and for windows and doors etc, and the use of solar panels on the roofs. The document has been reviewed by the Council's Building Control Department, who has advised that the proposal meets Part L of the Building Regulations which relates to new construction projects and sets the standards for the energy performance and carbon emissions of new buildings. The document suggests that there could be scope to introduce further renewable energy options across the site, and the details of this could be secured by condition, to ensure that the potential for achieving greener energy efficiency is maximised. A template condition is suggested within Policy CC1 of the SPD and could be applied if the application was approved. It is therefore considered that the proposed development would comply with Policy ENV4 of the Local Plan, and Policy CC1 of the Climate Change SPD.
- 7.73 In relation to the developer contributions, the County have requested contributions to be made towards education, please see paragraph 5.12 for details, which the applicant has accepted, and these would be secured via a S106 legal agreement. The S106 agreement would also secure the affordable housing provision, public

open space and SuDs maintenance and waste and recycling contributions. The proposed development would therefore comply with Policy Growth 3 and the Developer Contributions SPD.

**7.74 Planning Balance**

7.75 The proposed development either complies with the policy criteria, or further details can be secured by condition to ensure it complies, in respect of affordable housing mix, highway safety and parking provision, waste bin provision and collection, trees and landscaping, public open space provision, land contamination, renewable energy and sustainability, air quality, flood risk and drainage, and archaeology.

7.76 However, the site is situated outside of the settlement framework of Mepal where development is normally restricted. The site also falls within the designated Neighbourhood Plan boundary of Sutton, but is also situated outside of the settlement boundary of Sutton. The proposal would deliver 55no. affordable dwellings, which would normally be considered acceptable (subject to meeting the relevant criteria) under the rural exception policy, Policy HOU4 of the Local Plan. However, Policy NP3 of the Sutton Neighbourhood Plan is also relevant. Under Section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. Conflicts between development plan policies adopted, approved or published at the same time must be considered in light of all material considerations including local priorities and needs, as guided by the NPPF. The Sutton Neighbourhood Plan was adopted in May 2019, and after the adoption of the Local Plan (2015) and therefore the policies contained within this document carry full weight in determining planning applications within its boundary. The proposed site falls within the Sutton neighbourhood boundary, and therefore Policy NP3 applies which is clear in that it does not support any housing development outside the settlement boundary and only the uses listed and those which can demonstrate a need to be located in the countryside. The proposed development therefore fails to comply with this policy and cannot be supported in principle.

7.77 Secondly, it is considered that, cumulatively, the proposed development has not been developed in a comprehensive way to create a strong and attractive sense of place and local distinctiveness. Furthermore, it is considered that the proposed development, by virtue of its design, layout and form, fails to relate sympathetically to the surrounding area and each other, and does not create a quality scheme in its own right. The proposed development, is therefore considered to be contrary to the aims and objectives of Policy ENV2 of the Local Plan, the Design Guide SPD, chapter 12 of the NPPF, 2019, and the National Design Guide PPG, 2019.

7.78 Thirdly, the proposed development fails to demonstrate a biodiversity net gain on the site, and therefore would not comply with Policy ENV7 of the Local Plan, Policy NP2 of the Sutton Neighbourhood Plan, Policy NE6 of the Natural Environment SPD and paragraph 175 (d) of the NPPF.

7.79 Therefore, on balance, the proposed development is not acceptable and is recommended for refusal.



## 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 i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points:
1. The site is situated outside of the development envelope. The proposal does not comply with Policy NP3 of the Sutton Neighbourhood Plan and therefore cannot be supported in principle.
  2. The proposed design and layout of the scheme does not represent a high-quality scheme in its own right;
  3. The proposed development fails to demonstrate a biodiversity net gain on the site.

## 9 APPENDICES

- 9.1 Appendix 1 – Mepal Parish Council comments
- 9.2 Appendix 2 – Comments from District Councillors Dupre and Inskip
- 9.3 Appendix 3 – Neighbour comments
- 9.4 Appendix 4 – Letter from Birketts LLP

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00630/FUM	Angela Briggs Room No. 011 The Grange Ely	Angela Briggs Planning Team Leader 01353 665555 angela.briggs@east camb.gov.uk

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

East Cambridgeshire Local Plan 2015 -

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

Ms Angela Briggs  
Planning Team Leader  
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13<sup>th</sup> July 2020

**Reference: Planning application: 20/00630/FUM Brick Lane, Mepal**

Erection of 55 dwellings, new access, estate roads, driveways, parking areas, open space, external lighting, substation and associated infrastructure, Site South and West of the Bungalow, Brick Lane, Mepal, Cambridgeshire

Dear Ms Briggs

Thank you for inviting Mepal Parish Council (MPC) to comment on this application.

Mepal wishes to **object** to this application, which is to develop 55 Affordable Homes in a village of 451 homes, in the strongest possible terms for the following reasons:

1. To support the 66 residents/households (as of the date of this letter), who we can see from the planning website, have written individual letters of objection to the application. This seems an extraordinary number for a small village of 451 homes and demonstrates the strength of opposition in the village. There is not one letter of support currently.
2. To support the additional individuals who have contacted the Parish Council asking us to object on their behalf but who have not written objection letters themselves.
3. The application **does not comply** with the National Planning Framework, Feb 2019
4. The application **does not comply** with the East Cambridgeshire Local Plan, 2015, policies HOU 2, HOU 3 and HOU 4
5. The application **does not comply** with the Sutton Neighbourhood Plan, May 2019
6. The density and design of the development shows poor design and is incompatible with and does not respect the local character of the village
7. To support and endorse the key local issues for objection highlighted by residents.

Each of these objection is explained in more detail in the sections 1-7 below, with supporting justification or evidence where applicable.

**Important Note**

While Mepal Parish Council is objecting to this application, it does not object, in principle, to the development for housing of this site, and previously suggested the site in response to East Cambs 'Call for Sites' as part of the development of the proposed 2017 Local Plan, which was later withdrawn from the process by East Cambs District Council, (leading to the return of the 2015 Plan). The 2017 Plan laid out potential development of ~50 dwellings on the 2.5ha site, subject to policies Mepal1 and Mepal2, which would have enabled development of the site, while protecting it from unsuitable development.

It therefore seems unfair that a site which should have been developed according to defined policies, can now be potentially considered a planning exception site and developed without the constraints of the planning policies which the community worked to establish and have agreed.

Policies Mepal1 and Mepal2 would have ensured that any development of the site would:

- i. directly contribute to maintaining and/or expanding the community facilities present within the village
- ii. respect the local character of the village, giving particular consideration to the built form and use of materials
- iii. contribute towards one or more of the identified priority infrastructure items with the scale of contribution, if deemed necessary and appropriate, proportionate to the scale of development proposed.

Mepal Parish Council does not consider that the development proposal from Havebury would fit within any of these policies, had the 2017 Local Plan been correctly approved and adopted. However the more recent Sutton Neighbourhood Plan does not include the site for development.

Mepal Parish Council would like to propose an alternative form of development for the site, which it is felt would better fulfil the needs of the village and wider community. This proposal is outlined in the Appendix.

## **Explanation of objections to this application**

### **1. Written objections from residents.**

The East Cambridgeshire planning portal, at the date of creating this letter, contains 66 individual letters of objection from Mepal residents and none in support of the development. MPC supports these objections.

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QAL35AGGL0600>

### **2. Additional objections made to the parish council from residents.**

Parish Councillors and the Parish Clerk have received numerous comments from residents opposing the application, but no comments in favour. People who made contact with the Parish Council were advised to make their comments to Planning Services by making a written or emailed objection, clearly some people have done so, but others have not and it is difficult to accurately provide a number for these. MPC wishes to make Planning aware of these further objections.

### **3. The application does not comply with the National Planning Framework, Feb 2019**

Mepal Parish Council has undertaken a basic analysis of the NPPF with respect to 'Exception Sites', as the Applicant has stated they believe the site to be an Exception Site in their Design Access Statement, page 11 section 2.41, and page 15 section 2.56.

The NPPF provides guidance for both entry level exception sites and rural exception sites (NPPF para 71, 77 and definitions pages 66 and 71). The developer does not state which type of exception site he believes it to be, but does state that the objective is 'to meet pre-existing local need' (Affordable Housing Statement para 2.2), and the very heavy proportion of 2 and 1 bed properties (28/55) demonstrates that the development is seeking to fulfil the needs of people seeking their own first homes (rented or purchased) which would normally be served with an Entry Level Exception Site.

Alternatively, the definition of a Rural Exception Site, requires that housing ‘seeks to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection’. The developer acknowledges that there are only 11 such houses needed in Mepal and that the rest will meet ‘need identified in the wider district’. It therefore does not meet the requirements of a Rural Exception Site.

It seems that the proposed development does not meet the definition of a Rural Exception Site, but neither does it fulfil the requirements of an Entry Level Exception Site on the basis that the development does not fulfil the requirement of being **proportionate to the existing settlement**, (as is shown below).

**On the basis that it doesn’t fit with either definition of an Exception Site, we believe it should not be considered an exception site at all, and should be subject to local planning policies.**

**Justification:**

Identified housing need (Sutton Neighbourhood Plan) is for a small number of starter homes/shared ownership for residents seeking their first home, and for suitable homes for older residents wishing to downsize for later life. The Havebury proposal does not match these needs.

The proposed development of 55 Affordable homes in a village of 451 homes of predominantly older residents does not seem in any way to be proportionate, and indeed the development unambiguously fails the NPPF definition of ‘proportionate’ contained in footnote 33.

Planning document and requirement	Compliant?	Evidence/Justification
<b>National Planning Policy Framework (NPPF) Dated Feb 2019</b>		
<b>Para 71</b>	Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area. These sites should be on land which is not already allocated for housing and should:	
	a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and	

Planning document and requirement	Compliant?	Evidence/Justification
<p>b) be adjacent to existing settlements, proportionate in size to them<sup>33</sup></p> <p><b>Note</b> <sup>33</sup> <i>Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.</i></p>	<p><b>Not compliant.</b></p> <p>Does not comply with either part of note 33 which defines meaning of 'proportionate'.</p>	<p>Development of 55 houses <b>exceeds 5%</b> of the existing settlement of 451 homes. <math>55/451 = 12.2\%</math>.</p> <p>Site is <b>larger than 1 hectare</b>. Havebury states the site is 2.63 ha, independent measurement from the OS map suggests it is 2.47 hectares (see figures 1 &amp; 2 below).</p>
<p>not compromise the protection given to areas or assets of particular importance in this Framework<sup>34</sup> and comply with any local design policies and standards.</p>	<p><b>Does not comply</b> with local planning policies if that is meant by local design policies?</p>	<p>See below.</p>

Figures 1 and 2 – size of development site



A Mepal resident has academic and professional expertise in digital mapping and has used commercial mapping software and Ordnance Survey (OS) maps to calculate the area of the site. The selected polygon on the OS map is 2.47 hectares (24685 sq metres). This differs slightly from the 2.63 hectares declared by Havebury, but both are **more than double the 1 hectare allowed** by the planning policy.

The applicant (diagram of 'Site Plan as proposed' from planning website) is stating the size of the site more generously than that stated in both the 'call for sites' and the 2017 Local Plan (2.81 ha gross, 2.1 net) and the measurement calculated by the Mepal resident (2.47 ha). This suggests that the actual proposed housing density is greater than that stated by the applicant who based their calculations on a site size of 2.63 ha.

Planning document and requirement	Compliant?	Evidence/Justification
<b>National Planning Policy Framework (NPPF) dated Feb 2019 continued...</b>		
<b>Para 77</b>	In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.	
	<b>May not comply</b> depending on what is meant by 'local'.	In their Affordable Housing Statement, the applicant has only identified 11 applicants from the housing register with a local connection to Mepal. A total of 83 ticked a location box which included Mepal. We have requested details of how many gave Mepal as their first choice location.
<b>Para 145</b>	A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:	
	<b>Does not comply</b>	The bulk of the housing would be addressing East Cambs wide needs rather than Mepal's local need.
	(f) <u>limited affordable housing for local community needs</u> under policies set out in the development plan ( <u>including policies for rural exception sites</u> )	

**4. The application does not comply with the East Cambridgeshire Local Plan, 2015, policies HOU 2, HOU 3 and HOU 4**

The requirements are considered below in the table below.

Regardless of whether it is an exception site or not, the proposal does not comply with the East Cambs Local Plan.

Planning document and requirement	Compliant?	Evidence/Justification
<b>East Cambridgeshire Local Plan, 2015</b>		
<b>Para 3.7.1</b>	East Cambs is compliant	East Cambs has encouraged the development of Neighbourhood Plans to enable communities to gain this control. The site is covered by the Sutton Neighbourhood Plan (see next section for noncompliances).
	Giving communities greater say and control of their localities is a central theme of Government policy.	

<b>Policy HOU2:</b>	<b>Housing Density</b> The appropriate density of a scheme will be judged on a site-by-site basis taking account of (extract from full set of bullet points):		
	<ul style="list-style-type: none"> <li>The existing character of the locality and the settlement, and housing densities within the surrounding area.</li> </ul>	Not compliant	In contrast to the rest of the village, the development is high density housing, greater than that recommended by East Cambs, even if the applicant's larger area calculation for the site is used.
	<ul style="list-style-type: none"> <li>Levels of accessibility, particularly by public transport, walking and cycling; and</li> </ul>	Not compliant	30 houses are identified as social rented. There is a limited bus service from Mepal which does not support working in Cambridge. The Ely cycleway does not extend to Mepal or from Mepal towards Chatteris. It's a bad deal for any potential residents reliant on public transport for work or shops or doctors or dentists, etc.
	<ul style="list-style-type: none"> <li>The need to ensure that the residential amenity of new and existing dwellings is protected.</li> </ul>	Not compliant	The creation of what resembles an old style council housing estate on the outskirts of Mepal will not encourage inclusivity and will damage amenity for existing residents (see list of residents' objections).
<b>Para 4.4.3</b>	The District Council secures the majority of affordable housing that is built in the district by requiring developers to provide affordable dwellings <u>as part of open market housing developments</u> (through Section 106 agreements). Affordable housing is also delivered on ' <u>exception sites</u> ' as set out in Policy HOU 4 in the next section.	Not compliant	This is not part of an open market housing development.
<b>Para 4.4.4</b>	Affordable housing on development sites are an importance source of supply and can help meet a proportion of this need. <u>Policy HOU 3 sets out the proportion of affordable housing that the Council will seek to secure on development schemes</u> – 40% in the south of the district, and <u>30% in the north</u> .	Not compliant	Proposal is for 100% affordable homes, which exceeds the 30% mandated by this policy as the site is not an 'exception site'.



<b>Para 4.4.9</b>	In general, affordable housing should be provided on the application site <u>as part of well designed, mixed tenure schemes</u> , as this <u>ensures the best prospect of securing mixed, inclusive communities</u> .	Not compliant	<b>The proposal is isolated from the village, not integrated, and is a direct contradiction of this policy.</b> This development more resembles the creation of a 1970's style council housing estate.
<b>Para 4.5.2</b>	<u>Policy HOU 2 sets out the circumstances in which exception sites may be considered appropriate.</u> In assessing such proposals the housing needs of the local community will be carefully considered, and schemes should be designed to include a range of dwelling sizes, types and tenures, <u>appropriate to local need (as demonstrated for example by a local housing need survey)</u> . To ensure priority for the affordable housing is given to people in local housing need, the Council will require the affordable housing provider to enter into a nomination agreement with cascade provisions, under which <u>applicants with a connection to the village (through residence, employment or close family) are given first priority for newly created housing</u> , followed by those with a connection to neighbouring villages, and then those in the wider locality.		
		Not compliant	Not appropriate to local needs, no housing needs survey done for Mepal.
<b>HOU 3</b>	<b>Affordable housing provision</b> All new open market housing developments which incorporate more than 10 dwellings will be required to make appropriate provision for an element of affordable housing, as follows (extract from full set of bullet points):		
	<ul style="list-style-type: none"> <li>• A minimum of 30% of the total number of dwellings to be provided will be sought in the north of the district (ii).</li> </ul>		100% is greater than 30%
	<ul style="list-style-type: none"> <li>• The allocation of affordable housing should give priority to people in local housing need in accordance with the District Council's allocation policy (except where alternative mechanisms involving local connections criteria are proposed for specific sites, as set out in Part 2 of Local Plan).</li> </ul>	Not compliant	Quantity of housing greatly exceeds local need.  No sites specified for Mepal in Part 2 of Local Plan (section 8.24), only infill.
	<ul style="list-style-type: none"> <li>• On larger schemes the affordable housing will be provided in phases, as set out in an agreed masterplan or approved planning application.</li> </ul>	Not compliant	No phasing or master plan included in the proposal which, if build, should be phased.
	<ul style="list-style-type: none"> <li>• The affordable housing shall be physically integrated into the open market housing development by using appropriate design methods.</li> </ul>	Not compliant	No open market housing is included

<b>HOU 4</b>	<b>Affordable housing exception sites</b> Affordable housing development on exception sites can make an important contribution to meeting local housing needs, and schemes may be permitted on sites outside settlement boundaries where (extract from full set of bullet points):		
	• There is an <u>identified local need</u> which cannot be met on available sites within the development envelope (including allocation sites), or sites which are part of community-led development.	Not compliant	There is <u>no local need</u> for such development on this scale in Mepal and <u>no evidence has been provided</u> of one by the applicant.  Need is only demonstrated for East Cambs as a whole.
	• The site is well related to a village which offers a <u>range of services and facilities, and there is good accessibility by foot/cycle</u> to those facilities.	Not compliant	Mepal has a shop/post office, primary school and a pub. Transport is required to access all other facilities. There is no cycle path from Mepal to Chatteris or to Sutton.
	• <u>No significant harm would be caused to the character or setting of the settlement and the surrounding countryside.</u>	Not compliant	This would be enormously damaging for a tiny village such as Mepal and <u>permanently change the character of the village</u>
	• The <u>scale of the scheme is appropriate to the location and to the level of identified local affordable housing need.</u>	Not compliant	The proposal is completely out of scale as there is <u>possibly</u> a need for 12 houses at most in Mepal (as stated by the applicant in their Affordable Housing Statement).
<b>Para 8.24</b>	<b>Mepal</b>		
<i>This section of the East Cambs local plan discusses Mepal. It describes Mepal as a population of 970 with 430 dwellings and a need for 22 more up to the year 2031. Recent developments have already exceeded this target and Mepal now stands at 451 dwellings.</i>			
<b>Mepal Housing</b>	Mepal is likely to continue to grow at a slow rate, with new housing being built on suitable 'infill' sites within the village. <u>No new housing allocation sites are proposed on the edge of Mepal.</u> A 'development envelope' has been drawn around Mepal to define the built-up part of the village where infill development may be permitted. The purpose is <u>to prevent sprawl into the open countryside.</u> Development on infill sites will need to be in line with Policy GROWTH 2. Outside the development envelope, housing will not normally be permitted – unless there are exceptional circumstances, such as essential dwellings for rural workers, <u>or affordable housing.</u> <u>Housing schemes outside the development envelope will be assessed against Policy GROWTH 2 and other Local Plan policies as appropriate.</u>		
		Not compliant	Development is outside the envelope.
<b>Para 8.34</b>	<b>Sutton</b>		
<i>Reference is made to Sutton as this site is within the Sutton Plan. Sutton Policy SUT 1 discusses development of a different area within Sutton of 2.5 hectares (similar size) and requires the creation of a Masterplan and states that development proposals will need to 'Provide an element of affordable housing (currently 30%) as required under Policy HOU 3, with priority being given to people in local housing need'.</i>			
		Not compliant	If this requirement is needed for one site, why is it not for this one?

### 5. The application does not comply with the Sutton Neighbourhood Plan, May 2019

The Sutton Neighbourhood Plan describes the Brick Lane development site. It describes and is applicable to the development site as the land was until recent boundary changes part of Sutton Parish. (The land is now classified as Mepal, and is outside the development envelope for both Mepal and Sutton.)

Planning document and requirement		Compliant?	Evidence/Justification
<b>Policy NP3</b>	<b>Sutton Development Envelope</b> Land outside the Development Envelope is defined as countryside where development will normally only be allowed for agriculture, horticulture, forestry, outdoor recreation and other uses which can demonstrate a need to be located in the countryside.	Not compliant	Site is outside all development envelopes
<b>Policy NP7</b>	<b>Housing Mix</b> Housing development must contribute to meeting the needs of the village. Planning proposals will be supported where <u>development provides a mix of housing types and sizes that reflects the needs of local people</u> , particularly in the <u>need for two bedroomed dwellings as well as the needs of an ageing population looking to downsize</u> into homes suitable for lifetime occupation.	Not compliant	This correctly describes the need for housing within Mepal. The proposal is that 27 of the 55 houses are 3 to 5 bed. This clearly does not reflect the identified need which is for smaller properties. The proposal does not deliver this.
<b>Para 6.2</b>	Note that objectives 3 and 6 would also be relevant (and failed) if the site was within the development envelope.		

**6. The density and design of the development shows poor design and is incompatible with and does not respect the local character of the village**

**Housing Density Uncertainty:** When the site was identified for potential development in the 'call for sites' exercise as part of the development of the (unadopted) 2017 Local Plan, the site was stated to be 2.81 ha gross, 2.1 ha net and suitable for ~50 houses. Recent independent calculation measured the site as 2.47 ha (24685 sq metres). The applicant claims the site as 2.63 ha.

The impact of this uncertainty of site size on the available space per house (assuming no space is needed for roads or open spaces) is as follows:

Site size (ha)	No of houses	Space per house (m <sup>2</sup> ) <i>assuming none used for roads or green spaces</i>
2.63	55	478
2.47	55	449
2.1	55	381
<i>This is a variation of 97m<sup>2</sup> or 25%</i>		

This large variation should surely be resolved prior to any permission being granted?

Note that housing in Mepal is characterised by there being a generous or large amount of garden and green spaces, as would be expected in a small village surrounded by countryside and where space is not at a premium. Whatever density this housing is, it is clearly inconsistent with the characteristics of housing layout in Mepal.

**Highways:** The reply from Highways to East Cambs planning consultation states that:

'The internal estate roads are not adoptable due to their arrangement. There is a proposed three way junction at the centre of the estate. This layout has no priority direction and is potentially unsafe to road users so would not be accepted by the highways authority. There is a standard road arrangement by plot 42 but has no footway on the desire line leading to the shared use area. This would likely result in pedestrian walking in the road to reach this area and would potentially be unsafe. The square raised table / area by plots 20/21 does not appear to be legible or suitably laid out for vehicle use. East Cambs as the parking authority should ensure that the parking spaces shown are large enough so that vehicles do not overhang the footways and they are practically placed and functional so as not to encourage residents to park on the estate roads.'

Clearly insufficient space has been allowed to enable a safe road layout; correcting this would further reduce the space per house.

The developer has stated there will a rule preventing vans from being on the estate overnight. So where will they park? Brick Lane is already narrow, meaning that these vehicles will be a nuisance for existing residents of Mepal and potentially create hazards.

As Highways will not adopt the roads, this means that there is a cost to be borne either by residents in the form of service charges, or by the housing association for road maintenance. Imposition of what may be expensive service charges is not consistent with the concept of affordable housing.

Highways refusal to adopt roads also means that council waste services will not enter the estate to collect rubbish and recycling except by special agreement. If that is not reached, or if the road layout is such that the collection services are unable to safely enter the site, then potentially residents will be required to deposit their waste in Brick Lane – 55 houses worth! That is not realistic.

**Poor housing design:** During the village consultation meeting, the issue was raised that the houses next to the A142 would suffer from road noise (which is an ongoing issue for existing residents in similar proximity to the A142). This is a year round problem, exacerbated in summer when people would want to be able to open windows. It was suggested to the developer that triple glazing would mitigate the problem. The developer stated they were aware of the problem and were mitigating it by having dual aspect windows at the front and back of the houses, so that people could open the rear windows in summer, but no mitigation in winter when noise from wet roads is likely to be greater. It was also unclear whether this applied to all living spaces or only some.

This seems to be more an admission that the houses are being located too close to the A142 rather than an example of excellent modern design which occupants of affordable housing are surely entitled to.

The space available in the village of Mepal is more than sufficient to avoid the need for a high density housing project of this scale, with the resultant issues that high density housing can cause. Mepal Parish Council requests that if planning is granted, the density of housing be reduced such that the roads are safe and meet Highways criteria for adoption, and can accommodate the vehicles/vans of the estate residents without introducing a nuisance outside of the estate to other Mepal residents, and that housing is laid out such that residents may open any of their windows without suffering from road noise, rather than just a few. Is this unreasonable?

#### **7. To support and endorse the key local issues for objection highlighted by residents.**

In addition, the main objections voiced and stated by Mepal residents include:

- a) The proposal for 55 homes (30 social rented, 25 shared ownership) is inappropriate in both scale, density of housing and nature (100% affordable), for a tiny village of 451 homes such as Mepal.
- b) It seems inappropriate and disproportionate for Mepal, one of the smallest settlements in East Cambs, to deliver such a considerable chunk of the social housing need for East Cambs.
- c) The proposal would change the nature of the community in Mepal, which has a higher proportion of Bungalows and elderly population than the East Cambs average.
- d) The proposal would damage the key residential amenity of living in a small and very quiet, closely knit community.
- e) The location of a dense development near to the village entrance would spoil the look of the village as you enter it.
- f) Access to the site via Brick Lane is opposed as the road is narrow. In addition to create the access would destroy a valued hedge and wildlife habitat. The creation of a roundabout to access the site would be welcomed as it would aid the flow of traffic in the village – this was suggested to the developers and refused due to highways considerations.

- g) Concerns over Sewerage. Mepal already has a history of sewage issues, the most recent and most severe of which resulted in toilets overflowing in properties in Bridge Road (the other side of the village nearer the sewerage works). After a long period of difficult investigation, these were found to stem from the sewage pipes in Brick Lane. There are real concerns about the new development connecting into the sewerage system, which is already felt to be operating too close to capacity.
- h) Concerns over access to the A142 at peak times. Villagers already complain they experience delays and difficulties accessing the A142 at peak times. The addition of 55 homes would exacerbate this and the associated problem of traffic using the back road through Witcham as a rat run.
- i) The proposal requires that no works vans are to be allowed on the site overnight (as the roads are small). This would result in them being parked elsewhere in the village, possibly in Brick Lane, but more likely beyond (perhaps on the main village road) as Brick Lane is too narrow. This would be unsightly as well as causing considerable annoyance to current residents.
- j) The development site internal roads would not be adopted by Highways as the roads would not comply with their requirements; therefore Household Waste Refuse collection would not enter the site. How would this be addressed since it is clearly not acceptable for the refuse from 55 houses to be wheeled out, onto and blocking Brick Lane, on collection days?
- k) Housing in Mepal is struggling to sell – what would happen if the shared ownership houses did not sell? Concern is expressed that such properties would be used for Social Housing, thus increasing that proportion of the development even further.

## Conclusion

Mepal Parish Council requests that East Cambridgeshire Planning Authority rejects the proposed development as neither fulfilling the requirements of an exception site, or fulfilling those for a development within the planning envelope (as it is not within one) and also on the basis of poor design and overwhelming objections from residents.

Mepal is not against further development of this site, just this implementation of it. (Mepal was unfortunately not engaged in consultation until the second and final proposed layout of the site had been reached. We can only assume that previous discussions had been with Sutton Parish Council, as for some reason this land was included in the Sutton neighbourhood plan.)

Mepal feels that an alternative development of the site would be more appropriate and would like to propose something similar to that outlined in the appendix.

Yours sincerely

Mepal Parish Council

## Appendix

In order to address the need for future housing, it would first seem appropriate to firstly review the Sutton Housing needs survey and establish whether a housing needs survey should be conducted for Mepal. A Masterplan should then be developed to take these needs into consideration and provide a framework for compliant development.

It is most likely that development would need to be undertaken in small stages of perhaps 12-15 homes at a time, over a period of perhaps 5-7 years, ideally including a Community Land Trust, and potentially a £100k home, so that Mepal can take control and ensure availability of affordable housing both to meet the needs of younger residents seeking to move into their own first homes, as well as the needs for older residents to downsize.

Such an approach could ensure that development is done with community support while fulfilling the need for Affordable Housing (shared ownership and including an appropriate element of social housing in accordance with East Cambs policies) which would all be much better integrated into the Mepal community.

A benefit of such development would be that it would free up 3 and 4 bed homes elsewhere in the village and in doing so encourage new families into the village, thus encouraging gradual development of the village as well as gradually smoothing out the population age curve in the village.

Mepal Parish Council would hope to work with their district councillors and East Cambs in order to turn these thoughts into the planning framework for Mepal and from there into development.

## Brick Lane, Mepal

20/00630/FUM

Application for 55 dwellings, new access, estate roads, driveways, parking areas, open space, external lighting, substation, and associated infrastructure (Site south and west of The Bungalow Brick Lane Mepal Cambridgeshire)

### 1 East Cambridgeshire District Council Local Plan 2015

This is the Local Plan currently in force, against which this application needs to be judged. This site is not within the development envelope for the village of Mepal, and the 'Village Vision' for Mepal in the Local Plan states:

"Outside the development envelope, housing will not normally be permitted – unless there are exceptional circumstances, such as essential dwellings for rural workers, or affordable housing. Housing schemes outside the development envelope will be assessed against Policy GROWTH 2 and other Local Plan policies as appropriate."

**Policy GROWTH 2** states:

"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. Development will be restricted to the main categories listed below, 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 only category within GROWTH 2 into which this development would fall is 'affordable housing exception schemes' which are governed by Policy HOU 4.

**Policy HOU 4** provides a list of criteria for affordable housing exception sites, as follows:

- There is an identified local need which cannot be met on available sites within the development envelope (including allocation sites), or sites which are part of community-led development.
- The site is well related to a village which offers a range of services and facilities, and there is good accessibility by foot/cycle to those facilities.
- No significant harm would be caused to the character or setting of the settlement and the surrounding countryside.
- The scale of the scheme is appropriate to the location and to the level of identified local affordable housing need.
- The scheme incorporates a range of dwelling sizes, types, and tenures appropriate to the identified local need; and



- The affordable housing provided is made available to people in local housing need at an affordable cost for the life of the property.

The application fails to meet these criteria, for the following reasons.

- i. The village of Mepal offers a number of amenities appropriate to its size, such as a primary school, village hall, public house, church, and small shop. However, access to the nearest GP practice—in the neighbouring village of Sutton—on foot or by bicycle requires crossing the busy A142, a main road on which traffic volumes have increased very considerably in recent years. The A142 between Ely and Chatteris was recently the subject of a County Council safety study whose findings recommended a package of safety improvement measures of some £5M in value, very few of which have as yet been implemented.
- ii. The scheme's 55 dwellings would increase the size of the village by more than ten per cent. This is a significant increase for a small and well-established village, and is inappropriate to the location. The National Planning Policy Framework (February 2019) says at Para 71: "Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement." This site fails this definition.
- iii. The scheme goes far beyond meeting identified local affordable housing need. A housing needs survey carried out in September 2019 for the neighbouring larger village of Sutton identified some 51 households in need of affordable housing who either live in or have local connections with that village. *Pro rata* for the size of Mepal, this would correspond to some 15-20 households, well beyond the size of this development. The applicant states that there are 11 families on the council's lists with local connections, and 83 of the total 530 households on the list have indicated a wish to live in Mepal. However, this does not take into account the other multiple preferences households will have selected, and certainly cannot be used to suggest that Mepal is the first or even second preference of those 83 families.

## 2 Sutton Neighbourhood Plan 2019

The site falls within the area addressed by the Sutton Neighbourhood Plan. Although the parish boundaries have subsequently been redrawn there has been no change to the boundaries of the Neighbourhood plan area. The plan does not allocate this site for housing.

Policy NP7 states:

"Housing development must contribute to meeting the needs of the village. Planning proposals will be supported where development provides a mix of housing types and sizes that reflects the needs of local people, particularly

in the need for two bedroomed dwellings as well as the needs of an ageing population looking to downsize into homes suitable for lifetime occupation.”

This application goes far beyond meeting the needs of the village or of local people, and pays insufficient regard to this policy.

Policy NP2 states:

“All development proposals will be expected to retain existing features of landscape and biodiversity value (including trees, woodland, hedgerows, the open nature of meadowland and verges) and, where practical to do so, provide a net gain in biodiversity through, for example:

- the creation of new natural habitats;
- the planting of additional trees and hedgerows; and
- restoring and repairing fragmented biodiversity networks.

Where loss or damage is unavoidable the benefits of the development proposals must be demonstrated clearly to outweigh any impacts and the development shall provide for appropriate replacement planting on site together with a method statement for the ongoing care and maintenance of that planting. Where a new access is created, or an existing access is widened through an existing hedgerow, a new hedgerow of native species shall be planted on the splay returns into the site to maintain the appearance and continuity of hedgerows in the vicinity.”

It is not clear that the application pays sufficient regard to the requirements of this policy for retention of existing features, replacement planting, or net gain in biodiversity. We also note that the site is within the impact risk zones for the Ouse Washes SPA/SSSI.

### 3 Other matters

Residents have expressed to us a number of concerns about the application, including:

1. The cramped nature of the proposed development.
2. The unsuitability of Brick Lane as an access to the site.
3. The additional pressure on the A142 junction.
4. The lack of adequate public transport to meet the needs of the development, or the village more widely.
5. The limited space within the development for parking of vehicles.
6. The prohibition on parking of works vehicles within the development.
7. The need for changes to the proposals to mitigate against noise.

8. The history of inadequate sewage capacity in Brick Lane and elsewhere in the village.

The district council's Environmental Health Technical Officer (Domestic) has noted that the application relies on closed windows and trickle ventilation to achieve target internal sound levels, and that the local planning authority will not find this acceptable. The officer has advised that acceptable sound levels need to be achieved across the site with partially opened windows.

Cambridgeshire County Council Highways have stated that the roads within the proposed development are not laid out to an adoptable standard and that the layout currently proposed is potentially unsafe for road users. The district council will not collect domestic waste from unadopted roads unless an indemnity is provided by the developer. Such an indemnity would have to be provided in perpetuity if the plan is approved with roads which are not laid out to an adoptable standard.

We note that the Transport Assessment Team is awaiting further information including up to date accident data.

## 4 Conclusion

For all the reasons given above, we believe the current application does not conform to the requirements of the East Cambridgeshire Local Plan or the Sutton Neighbourhood Plan, and raises a number of concerns for existing Mepal residents which remain to be addressed.

We therefore cannot support the application as it stands.

Cllr Lorna Dupré  
Cllr Mark Inskip  
District councillors for Mepal

July 2020

Ref: 20/00630/FUM – Brick Lane, Mepal

**Erection of 55 dwellings, new access, estate roads, driveways, parking areas, open space, external lighting, substation and associated infrastructure**

**Neighbour Comments:**

Residential Amenity

- Loss of privacy, overbearing, over shadowing and overlooking to properties on Brick Lane, noise. Loss of privacy due to trees being removed and from the proposed driveways opposite properties on Brick Lane which will also have noise impacts due to noise echoing through concrete jungle.
- Pollution from extra traffic resulting in harm to residents of Brick Lane and neighbouring properties.
- Housing layouts and garden areas are small and cramped for potential residents
- Not enough outdoor space impacting on living conditions.
- Parking limited which will create tensions with neighbours.
- Impacts of noise and street lighting for residents on Brick Lane.
- Gardens are too small.
- Unsuitable location due to noise from traffic – closed windows and trickle vents not ethical to mitigate noise.
- Development overcrowded and is not an acceptable environment to live in.
- Concerns that size of homes and plots are so cramped because they are affordable homes. Everyone should have a decent size plot and home.
- Residential amenity will be poor for development and surrounding areas due to noise and disturbance being increased. Harmony between old and new residents would not be easy due to parking.
- Development will cause stress to existing occupants and will create an unhealthy environment for residents and nearby households quality of life.
- Removal of trees will create more traffic noise.
- The cramped nature of the development will make it unfriendly for pedestrians and unsafe for children.
- House sizes and plots based on minimum standards and not decent standards.

Visual Amenity

- Affects public views and street scene.
- Objects to impacts on the grounds of form and character.
- Landscape impacts and visual amenity.
- Worst design ever due to impacts on residents of Brick Lane. Entrance should be off the main road with a roundabout.
- Removal of trees will result in harm to the existing street scene.

- Cramped and over-developed design which will result in a negative environment and awful advert for Mepal.
- Principles of design have not been followed.
- Excessive number of units and consequential overloading of the villages services will blight the character, charm and amenities of existing community.
- Development will result in an overpowering and negative impact on the residential amenities of existing residents of Mepal.
- Concerned at impact of social housing on visual amenity in this prominent location.
- Overdevelopment based on quantity rather than quality.
- Out of keeping with the existing village.
- Little green space proposed.
- Concerns over visual impacts to entrance of village particularly ongoing stewardship and maintenance of the estate and car parking spilling out.
- Dense, over crowded eyesore in this rural village.
- The development overbears the existing housing on Brick Road.
- The scale, size and types of dwellings are totally out of keeping in this small rural village.
- Development is inconsiderate, speculative, premature and is not appropriate to the local context.
- It will dominate the village visually on entering the area and appear out of context with the settling the of the village within its surrounding environment.
- The development will not enhance the entrance to Mepal as stated by the developer. This development will destroy the charm and tranquillity of the village.
- The size and density would destroy what makes living in the village attractive.
- Design principles have not been applied in favour of cramming in housing.
- Green area too small and has parking on it.
- The whole village has been built up with very few open spaces.
- Impacts to Conservation Area, form and character of proposal, effects on public views.

### Highway Safety

- Objections in regard to parking and turning, highway safety.
- Recent survey showed 91% of residents considered using Brick Lane as an access was unsuitable due to: pulling out on a gradient, poor visibility, amount of nearby junctions, nearby bus stop where school children wait and cross, buses obstructing visibility, road surface is poor, road too narrow, no footpath to the south and very close to ditch.
- Development should not be accessed through Brick Lane.
- Entrance should be off the main road with a roundabout.
- Brick Lane not wide enough to comply with regulations.
- A142 junction is difficult to exit onto. The increased volume of traffic would exacerbate this with the potential for an extra 110 cars from this development.
- A142 junction needs upgrading before any development takes place.

- Development entrance should be off Sutton Road.
- Brick lane too narrow. Only measures 4.9m in width
- Added hazards due to increased use of Sutton Road.
- Queries transport assessment being based on assumption that movements per dwelling will be similar to those of existing properties which could be unsound.
- Site should be accessed via Sutton Road, immediately joining the existing junction with Witcham Road via a pair of mini roundabouts or traffic lights, also assisting in reducing speed entering the village. This would bring a positive benefit.
- There is no cycleway from Mepal joining the cycle path at Sutton. Access would be by the A142 which is far from ideal.
- Concerns over increased traffic and speeding traffic on Sutton Road. 504 additional car journeys per day which will have huge impacts.
- Developer to install road safety measures.
- Access onto the A142 with additional 55 houses would become a serious bottleneck at commuting times.
- Many accidents have occurred at A142 junction.
- Difficulties will occur getting out of Brick Lane result in safety hazards.
- Parking issues will be created if access via Brick Lane. Residents on Brick Lane will not be able to access their dwellings.
- Proposed access is dangerous.
- Proposal will cause a rat run through Witcham village due to difficulties access the A142.
- No onsite parking for commercial vehicles which will result in parking elsewhere in village.
- Gradient leading up to Sutton Road from Brick Lane where vehicles are unable to drive up in icy conditions.
- Bus stop causes visibility issues when a bus is stopped.
- There has been no upgrade of speed restrictions and this is needed after entering village from A142.
- A142 is at capacity due to local cumulative development.
- Construction access should not be via Sutton Road.
- Water mains pipe run under the verge of No 2 and water hydrant. Concerns over access to these from parked cars and for emergency vehicles.
- Highways response states road layout is unsafe.
- In the winter when flooding occurs at Welney excessive traffic on A142 causing problems accessing and exiting the village.
- Problems with emergency services accessing with one road in and out.
- Roundabouts needed on A142 and development should be accessed via mini roundabout at Sutton Road/Witcham Road junction.
- Accident risk for people getting to and from and on and off at the bus stops.
- Highways have stated roads to be provided are not of an adoptable standard and current proposal is unsafe for road users. Waste cannot be collected from unadopted roads.

- No updated comments received from highways in regard to other proposed access and insufficient thought has been given to alternatives.
- Brick Lane not suitable access, parking of new residents will block this road.

#### Drainage/Water

- Objects in regard to foul water drainage, groundwater issues and surface water drainage.
- Water treatment plant is already at capacity. Barely copes with Mepal's waste now.
- Ongoing problems within village, specifically flooding of sewage for some properties.
- Part of the site floods. What will happen to surface water.
- Development on this land will cause severe damage to the existing ecology.
- Concerns over rainwater drainage due to expanses of hard surfaces and built form and limited porous surfaces and garden areas.
- Rainwater will need to be discharged to ditches which will cause soil erosion and increased risk of flooding due to drainage systems being overwhelmed.
- Concerns as to pollution from surface water.
- Concerns over maintenance of drainage and SUDS and communal permeable paving which can't be adopted by County.
- Anglia water have not been consulted? Water provision and disposal has been a major issue with recent smaller developments in the village.
- Concerns over filling in ditch along Brick Lane.

#### Biodiversity/Trees and Landscape

- Removal of trees will result in loss of character and harm to residential amenity.
- Not enough open green space to balance out the hard landscaping and built form.
- Removing the hedge in Brick Lane will result in increased noise impacts.
- Removing the hedge is bad for the environment in terms of pollution.
- Who will be responsible for landscape maintenance.
- Large loss of local habitat accumulated with developments in Witchford and Sutton.
- The development site acts as a wildlife corridor.
- Proposal does not respect the environment.
- Loss of hedgerows, trees and wildlife when climate change is key.
- No sufficient space to allow for the proposed trees and hedges to flourish due to density of build and infrastructure.
- Objects to the removal of established habitat – hedgerow survey needs to be completed to determine if this is appropriate in line with council's policy to protect/improve biodiversity.
- Plans looked cramped with communal green space mainly taken up with parking.

- Removing the hedgerow is contrary to ENV1 which stresses the importance of enhancing features and their function as ecological corridors for wildlife dispersal.
- The recently established treeline around the perimeter of the site, funded by set-aside grants, should be ensured.
- It would take up farmland and ignores the purpose of the development envelope.
- Development on edge of Lillibet Wood and will have a detrimental effect on local biodiversity.
- Light pollution from street lighting and homes harming wildlife and dark night skies.
- Development should be designed to enhance the environment, biodiversity and air quality.
- The Elm Trees are in good condition and provide a valuable screen for Brick Lane and are supporting at least one protected species of invertebrate and should be retained.
- There is inconsistency in the Arboricultural Services Report dated January 2019 and concerns relating to the time of year surveys were completed in regard and comments as to the ill health of some of the trees.
- Regional Butterfly Conservation Officer stated that it will be difficult to recreate the existing Elm habitat, supported by Cambs Wildlife report in which it stated the retention of the elms should be considered and no replacements have been planned.
- The Preliminary Eco report dated September 2019 did not complete a count from an appropriate position above the tree canopy where the protected white letter hairstreak butterfly predominantly lives and omitted to mention the elm trees from the native planting – appendix A.
- This area of land, as evidenced by the limited surveys presented in this application, provides an environment that supports special and local species of plants and invertebrates and measures should be put in place to protect it as an environment for important species that cannot be replaced.
- Concerns if any trees/hedges have to be destroyed. Also anything that would impede hedgehogs moving freely between gardens and extra light pollution.
- Impacts on the environment in light of climate emergency.

#### Other

- Local Housing Register data queried and how the figures are made up.
- Amount of affordable homes is excessive for area and queries the use by for non-local people which negates the logic of providing such housing within easy reach of existing employment, family etc.
- Excessive number of bungalows which will result in retiree occupation and distorting age profile of community.
- Housing mix is not adequate and social housing share is disproportionate – should be 1 in 7.



- Commercial parking of vehicles should not be banned from development to stop residents parking this off site on neighbouring roads.
- Scheme does not accord with current Local Plan.
- The Community Led Plan has identified the need for more single dwellings for the ageing population and would urge planning committee to study the Community Led Plan.
- Does not feel 100% affordable is appropriate.
- Concerns over nursery school, school places and GP facilities with increase in population.
- Local facilities such as doctor's surgery and school struggling to cope now – increase is not attainable.
- Site is not in Local Plan and is defined as countryside.
- Over development of village.
- The village needs more facilities to support this size of development.
- This type of development will result in anti-social behaviour and noise.
- Infrastructure cannot cope with more demand frequent problems with power cuts and sewage issues. Smaller development should be brought forward with infrastructure considered first.
- Will local people get first refusal on properties?
- Volume of affordables disproportionate and out of keeping with current mix of housing resulting in significant harm to the character of the village and damage to residential amenity.
- Affordables should be spread through village, not grouped together as risk becoming isolated.
- No identified need for 55 affordables for this area and nowhere has stated requirements to allow more than 30-40% on any on development.
- Only 11 affordable houses identified as needed in Mepal, with 83 household 'willing' to live in Mepal. This is not a preference as housing applicants tick all the villages they are willing to live in.
- Affordable housing percentage is disproportionate to size of village.
- Mepal has already had planning approved on 30 sites which has addressed the requirement for extra housing identified in Local Plan.
- Insufficient consultation with Mepal residents.
- Proposed 12% housing increase does not constitute an exception site under NPPF para 71 as it exceeds 5% of the size of existing settlement and is not proportionate.
- Does not comply with HOU2 or SUT1.
- Affordable should be provided as 'part of' a well designed ... as set in Para 4.4.9
- The need for housing, as identified in local plan and Sutton Plan Policy NP7, is 'a mix of housing types..... Development does not meet stated requirements.
- Additional housing is required, but better solution would be 30% affordable mix with expansion of sewage system and direct access onto Sutton Road.
- Increased pressures in water supply and risk of water leaks.
- Local amenities under threat and lack of interest. Bus service not adequate.

- Accessibility – Infrequent bus service, incomplete cycle route and limited walking opportunities.
- Demand to live in Mepal is low as demonstrated by housing market. Housing exceeds demands.
- Rented housing proposed is not affordable housing but social housing.
- Housing mix is unsuitable.
- On-site parking is not sufficient.
- Village amenities are not sufficient to support this level of housing which are dependent on car usage.
- Mepal is not sufficient/sustainable for the creation of anything other than a car dependant community.
- No references have been made to the Sutton Neighbourhood Plan which is relevant for this site.
- Proposal creates an isolated/stand-alone development.
- Proposal does against all sustainable principles, it will severely overload the limited and stretched amenities and infrastructure.
- Development has no benefit to the village.
- Mepal makes up 1.17% of E Cambs population. This site would accommodate 10.4% of the districts entire affordable housing requirement which is completely disproportionate with the size of the existing settlement and contravenes Sutton NP and para 4.4.9 of the Local Plan.
- The application does not match the specific needs either in number or type of property.
- Very few jobs in immediate local vicinity – car is essential to commute to employment areas due to poor public transport.
- Errors highlight in Statement of Community Involvement: Shown in neighbour response received on 22 June from 5 Brick Lane.
- The restrictive covenants in regards to parking and increase in traffic due to poor public transport, will create chaos in the village.
- No public meetings been possible due to Covid so unable to air community's views and have questions answered.
- Concerns over non-local people being housed in community.
- Supports the need for housing however proposal is not suitable for this type of village.
- Development would change the dynamics of the village.
- If there is to be a development at Mepal it should be a more suitably balanced mix to meet the specific need and capacity of the village, 35% Social, 35% Shared Ownership and 30% Private Purchase would be a more sensible proposal.
- Brick Lane is being used just because it's cheaper.
- NPPF states exception sites should not be larger than one hectare or exceed 5% of the size of the settlement. Clearly this application is larger than this and should be refused.
- Proposal does not meet requirements of COM7 and COM8.

- Mepal will become a dumping ground. People would prefer to reside in other areas with better amenities/employment and services. It will create an oppressive environment.
- Accept affordable home are needed but will leave remainder of district short. Would welcome a revised scheme based on housing needs and a design in keeping with the village.
- Timing of the application during national pandemic is inappropriate and is being used to minimise proper debate.
- Plans do not show locations for 4/5 bed units. Clarification needed.
- Proposal has a housing density of 20.91/hectare not 20 stated on the application and is higher than the 19 recommended in the local plan.
- Proposal will impact the value of properties on Brick Lane, block views and overwhelm the bungalow.
- Proposal does not comply with HOU4 – Mepal has limited services and poor access via cycle and foot to access services at Sutton
- Local Plan states Mepal can expect 22 new dwellings which should be built on infill sites between now and 2031. The development will more than double that.
- Why are 55 affordables being built in Mepal when only 11 applicants have links?
- Why is a Suffolk company being allowed to build these?
- Not enough parking in site – cars and commercial vehicles will spill out onto streets.
- Internet access not adequate for existing residents.
- Developer not accepting any responsibility for cars having to park off site due to restrictions.
- Bin collection problems due to unadopted road.

Comments in regard to additional material submitted

- Additional information submitted by developer do not address the concerns therefore all objections raised still stand.
- Applicant provides housing for people with anti-social behaviour which questions appropriateness in this predominantly aged and vulnerable community.
- Consideration has not been given to communication methods of older and vulnerable population and application responses have not be given sufficient timescales.
- The responses provided to the objections do not address the issues and are inadequate, mostly being ignored by the applicant. Fundamental supporting documents are still missing or partly completed.
- Amendments to the scheme are not evident.
- All objections raised need solutions and reconsidering and significant amendments and an open event with the village. These concerns have not been addressed.

- Existing trees and vegetation will only mask the development for 6 months of the year due to leaf drop. Proposed traffic movements of 504 per day is not considered to be negligible. Modest increase in population will not be modest as over 12%. Contradictions to cycle links.
- Comments received in connection with the Creating Homes and Community brochure from Havebury Housing reiterating the impacts to the village, despite the promotion of Havebury Housing and their values.
- In response to the Developer's response to the Neighbour Consultee Comments:
  - Disputes the Design Team response that the site will have 10% more biodiversity net gain as demonstrated by the biodiversity net gain assessment by applied Ecology (to be submitted) – how can they declare this within the assessment being available?
  - Developer stated Anglian Water were contacted and their response was positive – no formal response has been received and due to neighbour concerns regarding the increased pressure on the sewerage, this will need further investigation and should form part of any planning consent.
  - Developer states the proposal being a natural extension of the village and mirroring Chestnut Way development. Chestnut Way are all bungalow whereas the proposal are houses therefore cannot be considered to mirror. Further, location and siting of Chestnut Way is much more generous and different tenure. Chestnut Way is an adopted road, whereas Highways have indicated they would not adopt the proposed development.
  - The existing residents of Mepal's views have been largely ignored.
  - Developer states the new development and associated disposable income will help support local services and facilities. Mepal has limited facilities and most residents would need to drive outside of Mepal to access local services and as such disposable income will be spent outside of village.
  - The proposed 5 bed home being specifically built to meet the needs of a local family. Suggested providing alternative accommodation to facilitate this family to suit their immediate need.
  - The development is not conducive to the immediate and wider community's needs should not be approved as 100% affordable.
  - The developer should take responsibility for ensuring safety to pedestrians and road users and not defer this to another body to take responsibility for as indicated in their response.
  - Disputes the developer's statement that the additional homes will generate a negligible increase in vehicle movements. Any increase will have an impact at peak times. Also seeks confirmation as to when updated accident data was submitted to County Council.
  - No S106 monies are going to be allocated to the village's infrastructure or to a cycle route between Mepal and Sutton.
  - The amendments do not change the fact the development is too large for a village the size of Mepal and will cause considerable problems with access, traffic etc.

- The amendments are minor compared to the big issues that the village has. These need to be addressed.
- No mention of the serious concerns raised in resident objections. These need to be addressed, eg the development being outside of the development envelope, density of housing, size of development lack of green space, surface water collection and sewage/foul water drainage connections and treatment plants, ecological treatment plant, road conditions at Brick Lane or impending traffic problems and off-street parking requirements, tenure of properties, lack of village facilities
- Regarding the amendments dated 05/10/20, despite the proliferation of information, very little has in fact changed and there remains little regard for the voice of the village and the valid objections.
- Amendments have failed to address the original concerns. Strongly opposed to proposal.
- Plansurv have ignored biodiversity issues and are not offering suitable solutions.
- Has all the necessary documentation now been received? There are no responses from Anglian Water etc.
- This application will increase the population of Mepal by 25% and will heavily impact on infrastructure. The existing community is being ignored and effectively being dumped on.
- I understand that there is a requirement for more housing and that aspects of that need to be affordable, but not to this volume and not in a rural setting such as Mepal.
- I am unable to view anything about the development. Would like to reiterate original objections. Many people in the village are very concerned about this development but not everyone who has voiced concerns has the time or IT ability to respond.
- Not happy that many of my concerns from my original letter have been addressed. Still unsatisfied with the proposal and amendments suggested.



Our Ref: TJN/LJW/349525.0001  
 Your Ref:  
 Date: 15 January 2021

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Dear Ms Briggs

### **20/00630/FUM - Land south of Brick Lane, Mepal**

I am instructed in relation this matter and have had sight of the various correspondence between yourself and Edward Clarke at PlanSurv.

#### **The Site and the Application**

As I understand it, application 20/00630/FUM at the site South and West of the Bungalow, Brick Lane, Mepal, Cambridgeshire ("the Site") for the erection of 55 dwellings, new access, estate roads, driveways, parking areas, open space, external lighting, substation and associated infrastructure ("the Development") was submitted on 19th May and validated by East Cambs District Council ("the Council").

The Site fell within the Parish of Sutton (and is therefore part of the 30 May Sutton Neighbourhood Plan Area) but is on the settlement boundary of Mepal and now falls within the Parish of Mepal itself. There is no Mepal Neighbourhood Plan.

The Site is within East Cambridgeshire and within the Local Plan Area for the extant adopted East Cambridgeshire Local Plan 2015. The Site falls outside of the Development Envelope in the 2015 Local Plan and otherwise does not appear to be bound by any site specific policies in either the Sutton NP or the Local Plan (either as Sutton or Mepal).

The Site was promoted through the call for sites and all subsequent rounds of the previous Local Plan Review. The emerging Local Plan, (now withdrawn following Examination in Public by the Secretary of State appointed inspector), included the Site as an emerging allocation MEP.H1 with an indicative capacity of 50 dwellings.

#### **Legal/Policy position**

Offices also in: Chelmsford, Ipswich, London and Norwich

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IS 700564

Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications be made in accordance with the adopted Development Plan unless material considerations indicate otherwise.

PlanSurv and the applicant have already provided a compelling case as to why planning permission should be granted for this site and particularly in the context of paragraph 11 of NPPF.

As I understand the Council's position, the case cannot be made regarding it being a rural exception site as the Sutton Neighbourhood Plan is silent on that point and the site, despite not being located in the Parish of Sutton, is still bound by the Sutton Neighbourhood Plan.

The Sutton Neighbourhood plan states (my emphasis):

*8.1 The adopted Local Plan identifies the strategy for the location of growth in the district for the period up to 2031. It plans for most growth to take place in Ely, Soham and Littleport but also plans for some growth at Sutton. The document states that 173 new homes would be built in the village between 2013 and 2031, averaging just under 10 a year. There were 32 new homes completed in the parish between 2013 and 2017. At 1 April 2017 there were permissions for a further 11 homes.*

*8.3 The Local Plan defines a Development Envelope for the village, within which there is a presumption in favour of new residential development. During the course of the preparation of this Neighbourhood Plan a review of the Development Envelope was undertaken. In the light of the allocations being made in this Neighbourhood Plan, the Development Boundary has been amended to include land north of Mill Field that was granted planning permission for housing in September 2017 and which is allocated for development in this Plan.*

*8.10 The withdrawn Local Plan Review allocated a site at Brick Lane, Mepal for residential development. The site currently falls within the Sutton parish boundary but, with the withdrawal of the Local Plan Review from examination, the proposed site allocation fell away and, given that it adjoins the built-up area of Mepal, this Neighbourhood Plan does not allocate it.*

*Policy NP3 – Sutton Development Envelope*

*The Sutton Development Envelope is defined on the Proposals Map. Sustainable development proposals within the Envelope will be supported in principle subject to being of an appropriate scale and not having an unacceptable impact on:*

- i) the amenity of residents;*
- ii) the historic and natural environment;*
- iii) the provision of services and facilities; and*
- iv) the highway network.*

*Land outside the Development Envelope is defined as countryside where development will normally only be allowed for agriculture, horticulture, forestry, outdoor recreation and other uses which can demonstrate a need to be located in the countryside.*

It is therefore clear that the Sutton NP *does not* prevent this scheme from coming forward.

Local Plan Policy

Policy HOU 4 (exception sites) states as follows (again my emphasis):

*Affordable housing development on exception sites can make an important contribution to meeting local housing needs, and schemes may be permitted on sites outside settlement boundaries where:*

- There is an identified local need which cannot be met on available sites within the development*

*envelope (including allocation sites), or sites which are part of community-led development.*

- *The site is well related to a village which offers a range of services and facilities, and there is good accessibility by foot/cycle to those facilities.*
- *No significant harm would be caused to the character or setting of the settlement and the surrounding countryside.*
- *The scale of the scheme is appropriate to the location and to the level of identified local affordable housing need.*
- *The scheme incorporates a range of dwelling sizes, types and tenures appropriate to the identified local need; and*
- *The affordable housing provided is made available to people in local housing need at an affordable cost for the life of the property.*

*An element of open market housing will only be acceptable where there is insufficient grant available, and it is demonstrated through financial appraisal that the open market housing is essential to enable delivery of the site for primarily affordable housing, and does not significantly increase the land value above that which would be payable if sufficient grant were available to provide 100% affordable housing.*

As stated in the Accompanying Statement to the application, the proposal meets the criteria set out in Policy HOU 4 and seeks to address both the settlement's requirements for affordable housing as well as addressing some of the requirement for the district as a whole, thus:

- There is an identified local need – There is a need for 11 affordable dwellings within the village of Mepal with a further 83 households expressing an interest in living in Mepal, as recorded on the East Cambridgeshire Housing Register, as such the proposal will meet the local needs of Mepal as well as part of the need identified in the wider district.
- The site is well related to a village – The site is located adjacent to the settlement boundary of Mepal and formed a previously emerging allocation for housing in the recently withdrawn plan. The site is bounded on all sides by roads and forms a natural extension of the village with Brick Lane forming the northern boundary with residential properties on the opposite side of the road. Future residents will be able to walk into the village to access facilities via the existing public footpaths. It should be noted that the changes to the parish boundary has brought the site within the Mepal parish boundary from the neighbouring parish of Sutton.
- No significant harm would be caused to the character or setting of the settlement and the surrounding countryside – The site forms the southern approach to the village and while its development will alter the appearance of the village the careful design, including the location of the open space towards the Sutton Road and the retention, where possible, for the existing screening vegetation, will ensure that the verdant entrance to Mepal is maintained. While the site is, for the purposes of planning, part of the open countryside it is an isolated field on the edge of the village cut off from the wider agricultural landscape by the A142 and the Sutton Road, therefore, it represents a logical extension of the village and its development represents no harm to the character of the village or that of the surrounding countryside.
- The scale of the scheme is appropriate to the location and to the level of identified local affordable housing need – While the proposal will address the identified need within the village for 11 affordable dwellings and is of a similar size to the previously emerging allocation the 55 affordable dwellings is in excess of the Mepal requirement. It should be noted, however, that of the 530 households on the housing register in East Cambridgeshire 83 have expressed a desire to live in Mepal. The proposal, therefore, seeks to address both the local and part of the wider district requirement for affordable dwellings.
- The scheme incorporates a range of dwelling sizes, types and tenures appropriate to the identified local need – The mix of dwellings and tenures is summarised above and is a product of discussions with Kim Langley, housing enabling officer at East Cambridgeshire District Council.
- The affordable housing provided is made available to people in local housing need at an affordable cost for the life of the property – The proposal is accompanied by draft Heads of Terms,



which will form the basis of the planning obligation under Section 106 of the Act to secure the affordable nature of the properties, set out stair casing arrangements for the shared ownership units as well as the basis for the affordable rents.

In the context of Paragraph 11(c), the Development would accord with the Sutton NP element of the Development Plan perhaps save for the last sentence of Policy NP3. But, that refers to development *outside the Development Envelope [...] will normally only be allowed for agriculture, horticulture, forestry, outdoor recreation and other uses which can demonstrate a need to be located in the countryside.* i.e. “normally” only being allowed, rather than always. It does not state development for other uses will never be allowed and that is quite deliberate. It is silent on Rural Exception sites, as is the rest of the NP. If one were argue that there is not an up to date development plan, or an up to date plan policy on rural exception sites, then it is Paragraph 11(d) which is more relevant than Paragraph 11(c) then to me there is no doubt that the case would be made under 11(d).

However, the fact is there *is* a relevant Development Plan Policy on Rural Exception Sites, and that is Policy HOU4. As above, the Development is in accordance with HOU4. It appears that the Council is not disputing that, but is rather concluding that there is a conflict between HOU4 and NP3. Presumably the Council would therefore be making a case that paragraph 30 of the NPPF is relevant, and that *“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently”.*

I would argue strongly that this is not the case. Firstly, a policy on Rural Exception Sites is a Strategic Policy, as per the NPPF and in line with the Council’s strategic objectives outlined in Chapter 2 of the Local Plan. Secondly, in any event, even if it is not a strategic policy, the wording of NP3 does not bring it into conflict as the wording in NP3 is not an absolute prohibition on development outside of the Settlement Boundary (Development Envelope) and silence on Rural Exception Sites does not therefore create a conflict. Thirdly, that the point of having a Rural Exceptions Policy is that it is an *exception* to other housing policies in the Development Plan. That is its very purpose.

### **Rural Exception Policies in the NPPF**

Mepal Parish Council have argued that the proposal does not (or arguably might not) comply with Paragraph 71 or 77 of the NPPF. As they put it, the criteria under Para 71 for an Entry Level Site are not met, and Para 77 for a Rural Exception Site might not be met. If NPPF 11(c) is the relevant section, then as set out above, it is Local Plan Policy HOU4 which is relevant and has been met. If it is 11(d) of the NPPF, then paragraph 77 of the NPPF then needs to be considered when assessing whether the adverse impacts of granting permission would *significantly and demonstrably outweigh the benefits* , when assessed against the policies in the NPPF *taken as a whole*.

Paragraph 77 states (my emphasis):

*In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.*

As set out above, *there is a need for 11 affordable dwellings within the village of Mepal with a further 83 households expressing an interest in living in Mepal, as recorded on the East Cambridgeshire Housing Register, as such the proposal will meet the local needs of Mepal as well as part of the need identified in the wider district.*

### **Conclusion**

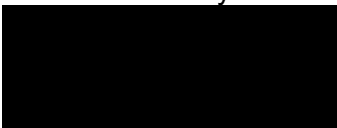
The Applicant has made a compelling case for the grant of planning permission for the Development on a site which was allocated in the (now withdrawn) emerging Local Plan. It is not in significant conflict with current Development Plan policies, including Local Plan Policy HOU4 and Sutton Neighbourhood Plan policy NP3. Whether one assesses the development in the context of an up-to-date development plan, or not, the Development should be granted planning permission on the basis of *inter alia* conformity with HOU4 and/or NPPF 77.

There is not a conflict between policies NP3 and HOU4 by virtue of the drafting of both of these policies and the absence of a site specific policy in the Sutton Neighbourhood Plan or absence of a Rural Exception site policy generally is not a ground for refusing this application.

My firm view is that a strong case has been made by the applicants for the Development in this location the application is in accordance with local and national policy and on balance permission should therefore be granted.

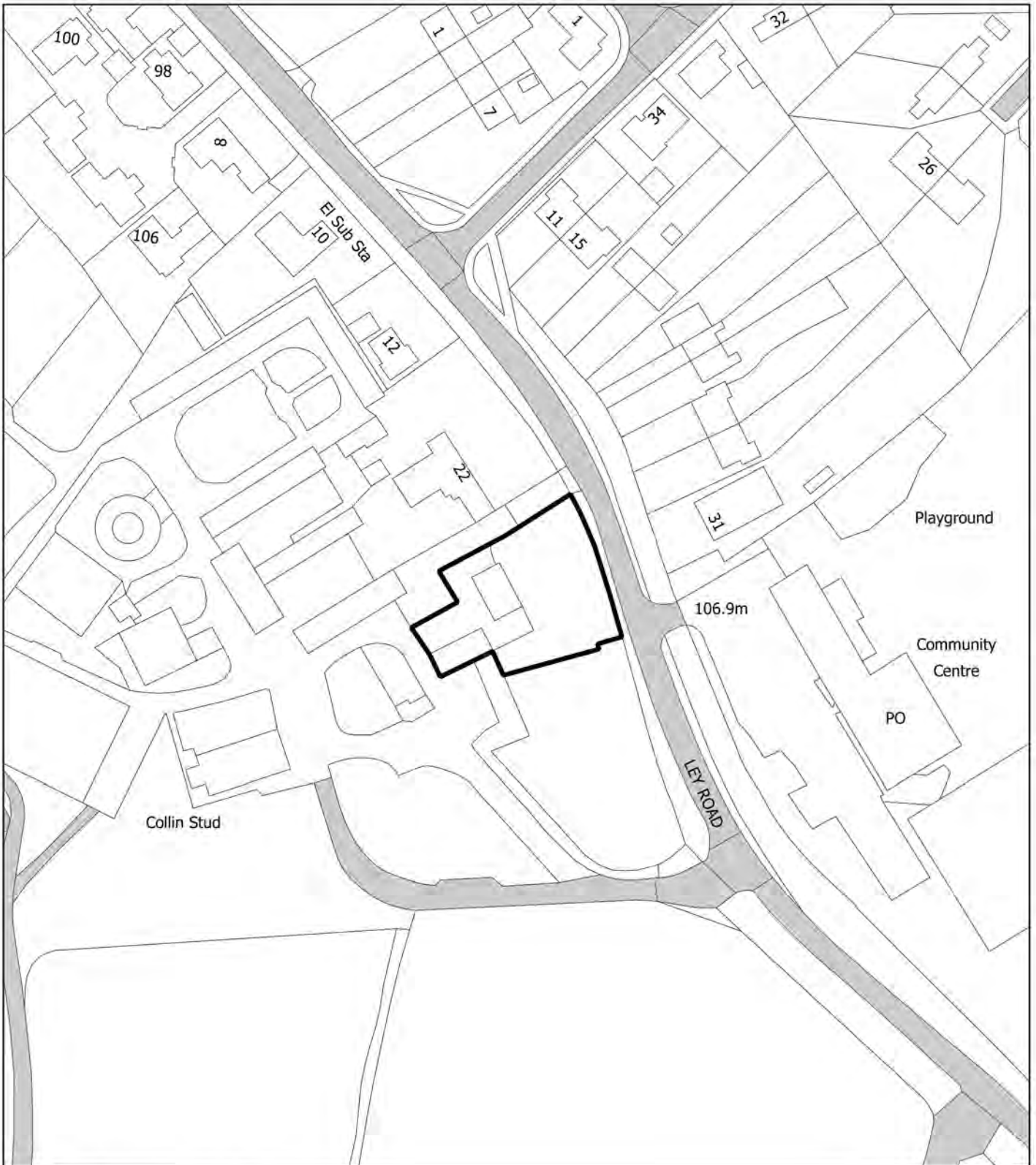
Should you have any queries please do contact me.

Yours sincerely



**Tom Newcombe**  
**Partner**  
**For and on behalf of Birketts LLP**

Direct Line: 01223 326611  
Direct e-mail: tom-newcombe@birketts.co.uk



20/01373/FUL

Perrymans  
22 Ley Road  
Stetchworth



East Cambridgeshire  
District Council

Date: 16/02/2021  
Scale: 1:1,250



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**MAIN CASE**

**Reference No:** 20/01373/FUL

**Proposal:** Change of use from detached Annexe to class 3 Dwelling, with minor alterations, new boundary wall, landscaping and associated access and hardstanding works

**Site Address:** Perrymans 22 Ley Road Stetchworth Newmarket Suffolk CB8 9TS

**Applicant:** Ms Linda Braybrooke

**Case Officer:** Gemma Driver Planning Officer

**Parish:** Stetchworth

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

**Date Received:** 2 December 2020      **Expiry Date:** 12 March 2021

V141

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1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE this application for the following reason:
- 1.2 The application site is located outside of the development envelope of Stetchworth and is in the countryside. Policy Growth 2 of the East Cambridgeshire Local Plan, 2015, states that outside defined development envelopes, development will be strictly controlled, having regard to protect the countryside and the setting of towns and villages, and development will be restricted to the main categories listed within the policy. Market housing is not one of the exceptions listed, and therefore the proposed development would be contrary to this policy and is unacceptable in principle.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The applicant seeks consent to change the use of an existing annexe to Class C3 Dwelling house. The works proposed would consist of minimal external alterations to the existing building. The proposal would include the provision of a new boundary wall, landscaping and associated access and hardstanding works.

- 2.2 The external works proposed to the existing building would consist of removal of the external staircase to the northern gable. The existing clear glass would be replaced by opaque glass to the existing 2no. windows to the North elevation.
- 2.3 The application would include the introduction of a new vehicular access to the Eastern boundary. The access would measure 3.25 metres / 10.6 ft in width. The paved access would leave to a gravel driveway that would provide off street parking for the building.
- 2.4 The new boundary wall to serve the Northern boundary would measure 2 metres / 6.5 ft. in height and would run along part of the northern boundary for 23.7metres / 77.7ft.
- 2.5 The original annexe was given permission under application reference no. 01/00012/FUL (please see appendix 1). Condition 4 of this permission states that the occupation of the proposed accommodation shall be limited to the occupants of the principle dwelling house and/or persons who are relatives and dependants of the occupants of the principal dwelling house and the unit shall at no time be occupied as a completely separate dwelling without the written consent of the Local Planning Authority. Therefore, this application seeks permission to occupy the building as a separate dwelling.
- 2.6 The application has been called in to Planning Committee by Cllr Sharp for the following reason:
- 2.7 *“There are minimal proposed works within the property, so there is no proposed change to its occupancy or usage. The annexe falls outside the Stetchworth development envelope, but has existed since planning permission was granted in March 2001. This application proposes no additional building being constructed and minimal works on the existing annexe and the use of an existing vehicle access. Officers are recommending refusal based on the fact that the property is outside the village development envelope and they are correctly looking at protecting our development envelopes. However, I feel that this application is a unique one and merits the benefit of members' consideration.”*
- 2.8 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

### 3.0 PLANNING HISTORY

- 3.1
- |              |   |          |            |
|--------------|---|----------|------------|
| 01/00012/FUL | Alterations to barn to create relatives annexe to main dwelling | Approved | 02.03.2001 |
|--------------|---|----------|------------|

#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located to the West of Ley Road. The site is situated outside of the development envelope for Stetchworth and is therefore considered to be in a countryside location. The site is not situated within a Conservation Area and there are no Listed Buildings nearby.
- 4.2 The site consists of an existing outbuilding forming an annexe to the host dwelling, Perrymans. The site has a grassed area with mature hedging to the front (Eastern) boundary. There is a paved area to the West of the annexe and an open courtyard with former stable buildings to the rear. To the south of the site is an existing swimming pool which falls within the applicant's ownership. The wider locality to the South consists of open fields forming countryside.

#### 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.

**Local Highways Authority – 1<sup>st</sup> consultation: 4 January 2021**

Subject to the following comments and recommendations:

Access, turning and parking arrangements within the proposed dwelling plot appear to be broadly acceptable.

I note however that the proposed plot includes land utilised by 22, Ley Road for parking and turning. The applicant should be invited to provide an amended plan demonstrating how adequate parking and turning provision is being retained within the host property as part of these proposals.

Please advise me if the applicant is unable or unwilling to make this amendment, so that I can consider making alternative recommendations.

**Local Highways Authority – 2<sup>nd</sup> consultation: 22 January 2021**

I have no objections,

With regard to the amended plan, parking for the southern space of the host property would appear awkward, although the additional space width and turning distance to the rear is likely to make this workable for most standard length domestic vehicles. I also note that the garage would facilitate separating parking if necessary to accommodate larger single vehicle parking and turning on the external area. I therefore have no objections in this regard, but would recommend that the applicant be invited to amend the plan to include both the parking area and garage, including the adjacent turning areas, within the red line boundary to enable these to be suitably conditioned.

No details have been provided regarding construction of the crossing of the highway verge. The applicant should be aware that this must be implemented in accordance with Cambridgeshire County Councils Housing Estate Road construction specification (HERCS).

Subject to the above and conditions

**Local Highways Authority – 3<sup>rd</sup> consultation: 5 February 2021**

I have no objections,

Revision 3 of drawing 597/P-03 makes significant improvement to the facility for parking and turning for the host property.

Providing the Local Planning Authority is satisfied that parking for the host property may be conditioned within the blue line boundary, the conditions recommended previously in correspondence dated 22nd January 2021 remain applicable subject to the amendment of revised drawing numbers.

**Waste Strategy (ECDC) - 23 December 2020**

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

**ECDC Trees Team – 1<sup>st</sup> consultation: 24 December 2020**

The submitted AIA and AMS are acceptable please condition compliance with them with a separate condition relating to the Arboricultural supervision section of the AMS as follows: The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition (insert condition number) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

I recommend the removal of tree T4 and its replacement with a species suitable for the space available and for long term retention as part of the soft landscaping scheme this addition will make the submitted soft landscaping scheme acceptable.

**ECDC Trees Team – 2<sup>nd</sup> Consultation: 25 January 2021**

The revised landscaping scheme is acceptable, no objections to the application.

**Parish Council - No Comments Received**

**Ward Councillors - No Comments Received**

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

5.2 A site notice was displayed near the site on 18 December 2020 and 3 neighbouring properties were notified

5.3 **Neighbours** – three neighbouring properties were notified, no responses were received.

## 6.0 The Planning Policy Context

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

GROWTH 2	Locational strategy
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and Geology
ENV 8	Flood Risk
COM 7	Transport impact
COM 8	Parking provision

### 6.2 **Supplementary Planning Documents**

Design Guide  
Flood and Water  
Natural Environment

### 6.3 **National Planning Policy Framework 2019**

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

## 7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are; principle of development, residential amenity, visual amenity, biodiversity, flood risk, highway safety and parking provision.

### 7.2 **Principle of Development**

7.2.1 The application site is not within the established development envelope of Stetchworth and Local Plan policy GROWTH 2 restricts market housing in such locations. Since April 2020 the Council has been able to demonstrate an adequate 5 Year Housing Land Supply, as demonstrated first in its Five Year Land Supply Report - 1 April 2019 to 31 March 2024 (published April 2020) and later in its updated Five Year Land Supply Report - 1 April 2020 to 31 March 2025 (published



December 2020). The latter report confirmed that from 1 January 2021 the Council had a 6.14 year supply of deliverable housing land. That calculation included a 20% buffer as required by paragraph 73 of the NPPF based on a 2019 Housing Delivery Test (HDT) result of 66%.

- 7.2.2 The 2020 Housing Delivery Test result (published in January 2021) indicates that housing delivery in the district has improved to 87%. As a result of the HDT exceeding 85%, the appropriate paragraph 73 buffer falls to 5% which has the effect of increasing the Council's housing land supply to 7.01 years.
- 7.2.3 This adequate housing land supply means that the Council considers its policies relating to housing delivery up-to-date and gives them full weight in the determination of this application.
- 7.2.4 It is therefore considered that the proposed development would be contrary to Policy GROWTH 2 of the East Cambridgeshire Local Plan and is unacceptable in principle.

### **7.3 Residential Amenity**

- 7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.3.2 The plans submitted demonstrate no alterations to the existing floor plans and therefore the function of the existing rooms would not be significantly different. The proposal would include the removal of the external staircase and replacement of the clear glazing of the existing windows to the North, to opaque, in order to protect the amenity of neighbouring dwelling to the North, no.22 Ley Road (Perrymans). Additionally, there is a separation distance of approximately 4.7 metres / 15.4 ft between this Northern elevation and the boundary of the application site. Between the Northern elevation of the existing building and no. 22 Ley Road is approximately 10 metres / 32 ft. Due to this separation distance and the existing presence of windows, it is considered that the proposal would not increase levels of over-looking towards this neighbouring dwelling.
- 7.3.3 The introduction of the 2 metre / 6.5 ft boundary wall has been noted. It is considered that this would be a typical boundary treatment for a dwelling and would not significantly impact neighbouring dwellings to any detrimental effect due to the height and separation distance. The proposal would not be enlarging the footprint of the existing building and therefore the proposal would not be detrimental in terms of over-bearing or over-shadowing.
- 7.3.4 Policy ENV2 also states that proposed for new development would 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 (3229.17sqft). The application site would more than comply with this element, measuring approximately 1855sqm / 19967.05sqft. Furthermore, the Design Guide

SPD also states that a garden area of at least 50sqm (538.2sqft). The proposal would supply more than sufficient amenity space, measuring approximately 204 sqm / 2195.84 sqft. The proposal would therefore ensure a reasonable supply of amenity space and ensure that the proposal does not appear cramped within context of the residential plot.

- 7.3.5 It is therefore considered that the proposed development would not significantly impact neighbouring occupiers and would provide a good standard of amenity for future occupiers. The proposal is therefore considered to be compliant with Policy ENV2 of the Local Plan 2015 and the Design Guide SPD

#### **7.4 Visual Amenity**

- 7.4.1 Policy ENV1 states that development proposals should ensure that location, scale, form, design, materials and colour create positive, complementary relationships with existing development.

- 7.4.2 Policy ENV2 states that development proposals should ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

- 7.4.3 In terms of visual amenity, the proposal would not be introducing visually prominent forms. The creation of a new access to serve the building would be the biggest change to the existing streetscene. The access would require the removal of some existing hedging; however, this is not considered to alter the character of the area to any significant extent due to the existing access' in the locality.

- 7.4.4 The removal of the existing external staircase located to the North is considered to result in a positive impact and would assist towards assimilating the proposal into the surrounding residential character of neighbouring dwellings. This would create a slight change to the existing streetscene, however this is not considered to be at the detriment as it would be reducing the visual impact of this external feature within the street scene.

- 7.4.5 The introduction of the boundary wall to the North would be partially visible, however this is considered a typical and traditional structure in this locality. The boundary wall would be set further into the plot and would not introduce a prominent form of development from the public highway. The boundary wall would be considered to form a complementary relationship with the existing built form on the site and would therefore relate sympathetically to the surrounding area.

- 7.4.6 It is therefore considered that the proposal complies with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 in relation to visual amenity.

#### **7.5 Highway Safety and Parking Provision**

- 7.5.1 Policy COM7 of the Local Plan requires development proposals to provide a safe and convenient access to the public highway. Policy COM8 of the Local Plan 2015, requires proposals to provide adequate car and cycle parking.

- 7.5.2 The parking arrangements for the proposal would ensure that adequate provision of off-street parking for two vehicles could be achieved to the proposed front driveway of the building. the proposal would include a hard-standing area together with a gravel driveway to provide off street provision for at least two parking spaces. The proposal would also ensure two parking spaces are retained to the North West of the site for the host dwelling.
- 7.5.3 The Local Highways Officer was consulted as part of the application process and initially requested amendments to demonstrate how adequate parking and turning provision could be retained within the host dwelling. The Highways Officer did not raise objections to the proposed access, turning and parking arrangements for the proposed dwelling and commented that they appear to be broadly acceptable.
- 7.5.4 Following receipt of the revised plan, the Highways Officer advised that parking and turning for both the host dwelling and the proposed new dwelling would be acceptable, subject to recommended conditions and informatives which could be appended if the application was approved.
- 7.5.5 It is considered that the proposal would provide a safe and convenient access to the highway and would provide adequate off-street car parking spaces for both the host dwelling and the proposed dwelling and there is sufficient space within the curtilage of the new dwelling to provide cycle parking. The proposal is therefore considered to comply with Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## **7.6 Trees and Landscaping**

- 7.6.1 Policy ENV1 of the Local Plan states that development proposals should seek to protect the landscape and settlement character. Policy ENV1 seeks to ensure that important existing views into and out of settlements are maintained and wildlife features to be undisturbed. Policy ENV2 of the Local Plan states that development proposals should retain existing important landscaping and natural features, and include landscape enhancement schemes. The site benefits from hedging to the front boundary and five individual trees set just behind the hedging and the proposed access.
- 7.6.2 The Trees Officer was consulted as part of the application process. The existing site benefits from hedging to the front boundary of the site and several trees within the site boundary. The application was accompanied by a Landscaping Plan, Arboricultural Impact Assessment and Method Statement to detail the impact upon the existing trees as a result of the proposed changes.
- 7.6.3 The Trees Officer advised that the submitted Arboricultural Impact Assessment and Method Statement are acceptable and would wish to condition their compliance. The Trees Officer recommended removal of tree T4 (located to the South of the proposed access) and its replacement with a suitable species for the space suitable and for long term retention as part of a soft landscaping scheme. The agent submitted a revised landscaping scheme. The Trees Officer advised that the submitted scheme was acceptable and raised no objections the proposal.

7.6.4 It is therefore considered that the proposed development complies with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, 2015 in relation to trees and landscaping

## **7.7 Biodiversity**

7.7.1 Policy ENV7 of the Local Plan 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.

7.7.2 It is considered that given the existing building will be remaining and will not be changed to any significant extent, that the proposal is unlikely to adversely affect protected or priority species or designated states. However, it is considered that biodiversity enhancements could be sought and these would be secured by condition, if planning permission was granted.

7.7.3 It is therefore considered that the proposal would comply with Policy ENV7 of the Local Plan 2015 and the Natural Environment SPD.

## **7.8 Flood Risk and Drainage**

7.8.1 Policy ENV8 states that all development 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.

7.8.2 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 would be disposed of via a sustainable drainage system 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.

7.8.3 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 Local Plan 2015.

## 7.9 **Planning Balance**

7.10 The proposal creates minimal changes to the visual appearance of the existing dwelling and would therefore be in keeping with the character and appearance of its area.

7.11 For the reasons outlined above, the proposal would not cause significantly detrimental impacts upon the residential amenity of neighbours and would provide more than sufficient amenity space for future occupiers of the dwelling.

7.12 The proposal would be acceptable in terms of its highways and parking provision as it provides a safe and convenient access to the highway and sufficient off street parking provision for both the host dwelling and the proposed dwelling.

7.13 Notwithstanding this, the proposal is situated outside of the development envelope of Stetchworth where development is restricted. As the proposal does not fall within any of the exceptions set out under Policy GROWTH 2 of the Local Plan it is considered to be contrary to Policy GROWTH 2. The proposal is therefore not supported in principle and is recommended for refusal on this basis.

## 8.0 **APPENDICES**

8.1 Appendix 1 – 01/00012/FUL Decision Notice

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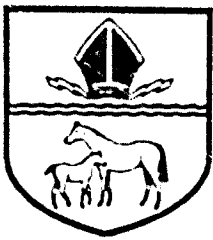
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
20/01373/FUL	Gemma Driver Room No. 011 The Grange	Gemma Driver Planning Officer 01353 665555
01/00012/FUL	Ely	gemma.driver@east camb.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



## EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE  
ELY, CAMBRIDGESHIRE CB7 4PL

Telephone: Ely (01353) 665555 Ext  
Direc Dial (01353) 668833 Fax: (01353) 665240

Brian Christian  
Station Road  
Great Chesterford  
Essex  
CB10 1NY

DX 41001 ELY

*This matter is being dealt with by:*

Andrea Baxter  
Extension: 202

My Ref:  
Your Ref:

### TOWN & COUNTRY PLANNING ACT 1990

#### PLANNING PERMISSION Subject to conditions

The Council hereby grant planning permission for Alterations to barn to create relatives annexe to main dwelling at 'Perryman's' 22 Ley Road, Stetchworth, Newmarket Suffolk. CB8 9TS for Linda Lady Braybrooke

In accordance with your application for full permission reference E/01/0012/F registered 18th December 2000 and the plans, drawings and documents which form part of the application subject to the additional conditions set out below:

#### Additional conditions

1. The development to which this permission relates must be started not later than the expiration of 5 years from the date of this permission.  
  
Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990.
2. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used unless approved in writing by the Local Planning Authority.  
  
Reason: To ensure that visually the development complements the character of the area.
3. The use of the building shall be confined to that of a domestic use only and no business, trade or profession shall be carried on from the premises and the site and building shall not be used for any industrial or commercial purposes.

Reason: In the interests of local amenities and the planning policies for district.

4. The occupation of the proposed accommodation shall be limited to the occupants of the principal dwelling house and/or persons who are relatives and dependants of the occupants of the principal dwelling house and the unit shall at no time be occupied as a completely separate dwelling without the written consent of the Local Planning Authority.

Reason: In the interest of local amenities and planning policies for the district.


5. The development shall be carried out and completed strictly in accordance with the approved details to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the complete and proper development of the site.

#### Notes

1. The approved plans for this application are as originally submitted with the application and plans received and the development should be completed strictly in accordance with these plans. Any amendments to the approved plans must be first agreed in writing by the Local Planning Authority.
2. This decision has been made in accordance with Policies 1, 2, 33, 56, 57 and 58 of the East Cambridgeshire Local Plan, adopted 1st June 2000 and set out in the 1997 Deposit East Cambridgeshire Local Plan (as amended by the January modifications).
3. This decision has also been made in accordance with Policies SP12/10 of the Cambridgeshire Structure Plan 1995.
4. This decision has also been made in accordance with the Council's Supplementary Planning Guidance as follows:- Residential Design Guide.

This permission is granted subject to due compliance with the bye-laws and general statutory provision in force in the District and does NOT constitute approval under Building Regulations. To discuss this further you are advised to contact the Building Regulations Section at the District Council.



Dated: 2nd March 2001

Planning Manager

See separate sheet for information concerning rights of appeal.

## **Planning Performance – January 2021**

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>156</b>	<b>2</b>	<b>26</b>	<b>48</b>	<b>18</b>	<b>35</b>	<b>27</b>
<b>Validated within 5 days (%)</b>	<b>82%</b>	<b>(ECDC target of 75%)</b>					
<b>Determinations</b>	<b>140</b>	<b>3</b>	<b>16</b>	<b>34</b>	<b>13</b>	<b>33</b>	<b>41</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>88%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>93%</b> (90% within 8 weeks)	<b>61%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>132</b>	<b>2</b>	<b>15</b>	<b>32</b>	<b>10</b>	<b>33</b>	<b>40</b>
<b>Refused</b>	<b>8</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>1</b>

<b>Open Cases by Team (as at 15/02/2021)</b>							
<b>Team 1 (3.8 FTE)</b>	<b>168</b>	<b>10</b>	<b>48</b>	<b>27</b>	<b>31</b>	<b>52</b>	<b>0</b>
<b>Team 2 (4 FTE)</b>	<b>132</b>	<b>16</b>	<b>30</b>	<b>31</b>	<b>21</b>	<b>34</b>	<b>0</b>
<b>Team 3 (4 FTE)</b>	<b>165</b>	<b>12</b>	<b>44</b>	<b>37</b>	<b>30</b>	<b>42</b>	<b>0</b>
<b>No Team (3 FTE)</b>	<b>59</b>	<b>8</b>	<b>2</b>	<b>0</b>	<b>8</b>	<b>6</b>	<b>35</b>

### **No Team includes – Trees Officer, Conservation Officer and Agency Worker**

The Planning department received a total of 181 applications during January which is a 2% decrease of number received during January 2020 (185) and 1% decrease to the number received during December 2020 (183).

### **Valid Appeals received – 3**

Land Between 31 And 37 Brinkley Road Dullingham – Delegated Decision

Walnut Tree Cottage 8 Back Lane Wicken – Delegated Decision

Brian McKay Commercial Vehicles Lakepress Court Newmarket Road Bottisham – Delegated Decision

### **Appeals decided – 4**

The Old Paddock 48B Great Lane Reach – Delegated Decision – Allowed

16 Parsonage Lane Burwell – Committee Decision – Dismissed

Land North Of 133 North Street Burwell – Delegated Decision – Dismissed

Pattersons Stores 11 Mill Street Isleham – Committee Decision – Appeal Not Accepted by PINS due to late submission of documents from the Appellant

### **Additional information**

The previously quashed appeals for the linked Witchford sites have a hearing dates booked in for 9<sup>th</sup> and 10<sup>th</sup> March. This will take place as a virtual hearing, hosted by the Planning Inspectorate.



Heath road, Swaffham Bulbeck has its hearing date booked for 24<sup>th</sup> March and West Fen Road, Ely has its hearing date booked for 18<sup>th</sup> May. Again these will be virtual hearings.

**Enforcement**

New Complaints registered – 16 (1 Proactive)

Cases closed – 23 (1 Proactive)

Open cases/officer (2.5FTE) – 239 cases (24 Proactive)/2.5 = 95.6 per FTE

**Notices served – 0**

**Comparison of Enforcement complaints received during January**

<b>Code</b>	<b>Description</b>	<b>2020</b>	<b>2021</b>
<b>ADVERT</b>	Reports of unauthorised adverts	<b>7</b>	<b>1</b>
<b>COND</b>	Reports of breaches of planning conditions	<b>5</b>	<b>1</b>
<b>CONSRV</b>	Reports of unauthorised works in a Conservation Area	<b>0</b>	<b>0</b>
<b>DEM</b>	Reports of unauthorised demolition in a Conservation Area	<b>0</b>	<b>0</b>
<b>HEDGE</b>	High Hedge complaints dealt with under the Anti-Social Behaviour Act	<b>0</b>	<b>0</b>
<b>LISTED</b>	Reports of unauthorised works to a Listed Building	<b>0</b>	<b>1</b>
<b>OP</b>	Reports of operational development, such as building or engineering works	<b>9</b>	<b>6</b>
<b>OTHER</b>	Reports of activities that may not constitute development, such as the siting of a mobile home	<b>1</b>	<b>0</b>
<b>PLAN</b>	Reports that a development is not being built in accordance with approved plans	<b>2</b>	<b>5</b>
<b>PRO</b>	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	<b>8</b>	<b>1</b>
<b>UNTIDY</b>	Reports of untidy land or buildings harming the visual amenity	<b>0</b>	<b>0</b>
<b>USE</b>	Reports of the change of use of land or buildings	<b>1</b>	<b>1</b>
<b>TOTAL</b>		<b>33</b>	<b>16</b>



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a remote meeting of the Planning Committee held at 2:40pm on Wednesday 3<sup>rd</sup> March 2021, facilitated by the Zoom video conferencing system.

### **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 Chairman)  
Cllr John Trapp  
Cllr Gareth Wilson

### **OFFICERS**

Angela Briggs – Planning Team Leader  
Maggie Camp – Legal Services Manager  
Barbara Greengrass – Planning Team Leader  
Anne James – Planning Consultant  
Andrew Phillips – Planning Team Leader  
Rebecca Saunt – Planning Manager  
Adrian Scaites-Stokes – Democratic Services Officer  
Angela Tyrrell – Senior Legal Assistant  
Russell Wignall – Legal Assistant

### **IN ATTENDANCE**

Cllr Charlotte Cane (agenda item 7)  
Cllr Lorna Dupre (agenda items 6 and 8)  
Cllr Mark Inskip (agenda item 8)  
Cllr Allan Sharp (agenda item 9)  
Mike Rose (agenda item 5)  
Paul Hill (agenda item 5)  
Rob Hill (agenda item 5)  
Simon Parfitt (agenda item 5)  
Parish Cllr Charles Warner (agenda item 5)  
Dr McGrath (agenda item 7)  
Phil Grant (agenda item 7)  
Parish Cllr Jon Ogborn (agenda item 7)  
Charles Linsey (agenda item 8)  
Diana Bray (agenda item 8)  
Edward Clarke (agenda item 8)  
Kate Duvall (agenda item 8)  
Parish Cllr Lorna Williams (agenda item 8)  
Chris Anderson (agenda item 9)  
Parish Cllr Lily Whymer (agenda item 9)

## **73. APOLOGIES AND SUBSTITUTIONS**

There were no apologies for absence nor any substitutions.

## **74. DECLARATIONS OF INTEREST**

Cllr Jones declared a personal, non-prejudicial, interest in agenda item 5 as he lived near to the site in question.

## **75. MINUTES**

It was resolved:

That the Minutes of the Planning Committee meeting held on 3<sup>rd</sup> February 2021 be confirmed as a correct record and be signed by the Chairman.

## **76. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- Members were reminded about the use of calling in planning applications, large applications or those that divided community opinion would be always considered by the Planning Committee. An application called in to the Committee incurs costs of approximately £1000, so the call-in option should be used sparingly after discussion with planning officers, particularly when dealing with small household matters.
- Today's meeting had been moved to a 2:30pm start but this was a one-off situation and future meetings would revert to the normal time.

## **77. 19/00717/OUN – BROAD PIECE, SOHAM**

Barbara Greengrass, Planning Team Leader, presented report V137, circulated previously, concerning the proposal to erect up to 175 dwellings and associated infrastructure with access from Broad Piece.

The Planning Team Leader reminded the Committee that an update sheet with further neighbour comments received, after the report had been written, had been circulated. This application was an outline application for up to 175 dwellings, with 30% to be affordable housing and 5% to be self-build. All matters were reserved except for the access to the site. House number 12 Broad Piece would be demolished to allow access to the site. The site was open land with residential properties to its south and east boundaries, with drainage and a public right-of-way to the north of the site.

The proposal gave an indicative layout of the site, which totalled 10.83 hectares. The dwellings would be constrained to the east of the site due to a substantial 'cordon sanitaire', because of the sewage treatment works to the west of the site. This represented a considerable restraint to development. As a result of this constraint there would be a large open space in the west of the site comprising 6.19 hectares, 58% of the site, with an attenuation pond.

### **Principle of Development**

The Council had more than 5 years land supply for development. The site was outside the defined development envelope of Soham. The proposal conflicted with policy GROWTH2, which had to be given full weight when considering this application.

### Visual Amenity

Density was on the high side but there was a significant buffer proposed to the west of the site. The number of dwellings to be built was not fixed at 175 and would be defined at the reserved matters stage. The developers' assessment set out proposed mitigations. The impact statement included mention of hedges and other mitigations so the overall landscape character impact was expected to be small. The most prominent view was from the north, but the houses would be seen against a backdrop of existing residential development and high quality structural planting would ensure that the visual amenity would not be conflicted.

### Residential Amenity

This would be fully assessed at the reserved matters stage. However, the indicative plan submitted does show the development could be achieved respecting the residential amenity of the adjoining properties. The expected increase in traffic was not considered to be harmful. The impact of increased noise could be mitigated. The assessment submitted concludes that the residents of the future development will not be exposed to odour levels which will compromise their amenity. So in terms of residential amenity the proposal would accord with policies ENV2 and ENV9.

### Access and Highway Matters

The proposed access had been accepted by the Highways Department, but the anticipated increase in traffic would mean as part of the proposal a widening of Broad Piece in a specified section. The increase in width of the carriageway, with the width increase of the pathway, would mostly affect properties on the south side of the road, properties 5 and 5d Broad Piece. The application was accompanied by a Transport Statement and the proposed development was considered acceptable in terms of the existing highway network subject to mitigation measures, as shown in paragraphs 7.5.12 and 7.5.13 of the report. This would then comply with policies ENV2 and COM8.

### Flooding and Drainage

Foul – a pumping station is proposed which will feed into the treatment works and Anglian water are satisfied. Flooding did occur on this site, however, the Lead Local Flood Authority are satisfied that the proposed surface water drainage scheme will improve the situation for existing residents. The Lead Local Flood Authority are content that the proposed scheme is acceptable. More details would be required as part of any planning permission, by way of conditions.

### Ecology and Archaeology

The proposed mitigations were considered satisfactory to ensure a net gain in biodiversity and subsequently comply with policies ENV7 and ENV14 and the Natural Environment SPD.

### Other Matters

The educational contribution had been agreed and would be secured by a s106. Affordable housing and self build are policy compliant and the proposal is in line with the climate Change SPD.

### Conclusion

Although the Council had a 5-year land supply, the up to 175 new homes would provide some benefit. However, the application should not be allowed as it

conflicted with the locational strategy as set out in policy GROWTH 2 of the Local Plan, which would outweigh any potential benefit. Therefore, the application was recommended for refusal.

The Chairman then invited Mike Rose to make his objections. During his statement the following points were made:

- Broad Piece was narrow particularly to the west and unsuitable for an increase in traffic.
- The applicants' traffic survey was out-of-date.
- There was a known speeding problem in Broad Piece and the proposed traffic calming would not reduce this problem.
- Street lighting was poor.
- Walkers, cyclists and horse riders' safety would be detrimentally affected.
- Vibration and noise would affect properties on either side.
- The proposed entrance would not contribute to sustainable car transport.
- The proposed road widening would be unsympathetic to residents to the south of it and would impinge on their property and safety.
- Highways preference to relocate the entrance elsewhere has not been followed by the applicant.
- Highways safety would be impacted by the extra traffic generated.
- Although residents and current landowners had co-operated in a temporary solution to flooding issues, the applicant proposals would make the existing drainage less effective.
- Following residents' objections, the applicant added a shallow depression but there was no indication how effective that would be.
- The Lead Local Flood Authority and local drainage board recommended more comprehensive arrangements than that proposed by the applicant.
- The applicant had been aware of drainage issues for several years but there was no confidence the applicant would resolve those problems.
- The development would not bring any advantages to an already overdeveloped Soham.

Cllr Downey noted that the statutory consultees had told the Council one thing but this was differed to what residents were stating. The Lead Local Flood Authority stated the flood water management scheme was sufficient. So why was this disagreed? Mr Rose replied that the Lead Local Flood Authority had posted to the planning portal website, at the start of the year, and had recommended changes stating that the depression had to be piped to pump the water away from the field, but this had not appeared in the applicant's documentation.

Cllr Jones asked whether there would be any benefit in widening the road and pathway. Also, had the drainage scheme put in by local residents helped? Mr Rose reminded the Committee that the road was narrow all the way along so widening it at one point would not be beneficial. Increasing the width by 1 metre would mean some residents losing their parking spaces. The drainage scheme had proved beneficial.

Cllr Trapp questioned whether the flooding occurred mostly on the road, except for the south east part and how effective the existing drains were. Mr Rose explained that the water flowed into gardens and then across the road. The drains did work but became overwhelmed as there was a problem with field drainage and there had been issues for the last 20 years.

The Chairman then invited Paul Hill, Rob Hill and Simon Parfitt to speak on behalf of the applicant. Simon Parfitt made the following points:

- The site was sustainably sited and had followed Industry Standard Best Practice.
- Appropriate traffic data collection and assessment had culminated in agreement with the County on all matters.
- The widening of Broad Piece would meet relevant design standards and would not adversely affect driveways.
- The wider footway and carriageway would be better for pedestrians and drivers and the carriageway would be suitable to carry much higher traffic levels.
- Each junction between the site and the A142 were forecast to operate comfortably in the future.
- The mitigation package would provide £123,600 funding for use to improving the A142/Fordham Road roundabout and would include off-site pedestrian improvements for access to the school and the Mereside/Julius Martin Lane junction.
- A form of traffic calming had been agreed with the County and the applicant would be happy to add this to its obligations.

Rob Hill made the following points:

- The drainage scheme had been approved in principle by the Lead Local Flood Authority (LLFA), Anglian Water and the Local Internal Drainage Board (IDB), subject to conditions.
- There was an existing flooding issue and this was brought up from the LLFA and IDB.
- The applicant intended to drain over 55% of the water catchment from the south to the north, with the remaining 45% stored before it reached the southern boundary, this would help to protect existing properties.

Paul Hill made the following points:

- There was a lack of technical objection to the proposals from any statutory consultee.
- The recommended refusal of the application related to only one policy and this must be balanced against all relevant material considerations.
- There was an acknowledged lack of significant harm to the setting of Soham and the wider countryside.
- Soham was a highly sustainable settlement where development could be focussed.
- The area of the site had been clearly identified as a broad area of housing.
- There were clear benefits with the provision of 30% affordable housing and 58% of the site as public open space.
- These facts clearly outweighed any policy conflict so the proposal should be approved.

Cllr Schumann stated that, when considering a sensitive and careful layout, houses should not end up in the 'cordon sanitaire', not impact existing business but proposes to include a play area within the 'cordon sanitaire', would it mean that 175 dwellings had to be squeezed into the remaining space? Although this number was only in principle the applicant would likely try to achieve all 175. Why was the access to the site decided on Broad Piece, as both ends of that

road were constrained? The County Council were still looking at traffic calming measures here. In response the Committee was informed that as this was only an outline application no scaling on a definitive layout had been done, but sought to gain the principle of development. The masterplan acknowledged the constrictions but did represent a sympathetic design. Under local and national guidance a suitable access had to be found. This had been found and would be fully up to standard. This would be safe and suitable. The traffic calming measures would address vehicle speeds but not capacity, although the road would be designed to take that capacity.

Cllr Jones considered Broad Piece and Mereside notoriously bad for traffic and with the rail station coming would become worse. So he wondered if other traffic options had been explored, including land acquired by This Land near the roundabout. Mr Parfitt stated that no other options had been considered relating to the access. The developers had considered land options in other directions but this was the proposed access

Cllr Downey noted that there had been a lot of objections centre around fear of flooding, so would the proposed measures be enough? Mr Rob Hill reminded the Committee that the proposal was still only an outline, but the scheme proposed would be able to cope with flooding. This would all be within control of the applicant.

*Cllr Schumann advised the Committee that reference was made to This Land, although he was a Director of This Land he stated that he was not affected by this application, but wanted it noted.*

The Chairman then invited Parish Councillor Charles Warner to speak on behalf of the Town Council. Cllr Warner made the following points:

- Soham Town Council had been concerned from the outset in particular in relation to the Local Plan, road access and land drainage and flooding.
- The road access and footpath were too narrow and were proposed to be widened.
- Widening the road would affect the vehicle parking for number 5 and 5A Broad Piece, where the cars would only be 0.5 metres from the road.
- No-one had considered the British Telecom cable chambers or cables when widening the road.
- The Council could not see how widening the road would improve the situation as it would cause a bottleneck.
- When large agricultural vehicles met heavy good vehicles they had to drive on the pavements or verges.
- Drainage was a great area of concern and attempts had been made by local residents to manage the situation. The developers needed to address this with a detailed scheme.
- LLFA had concerns, so had requested a condition that no above ground works should commence without written consent.
- Issues with exiting properties on Broad Piece needed to be resolved, otherwise the issues would not be assisted by this new development.
- Further work was needed with a full proposal required.
- If this was not done properly then the scheme would not work.
- The proposed children's playground should not be near the sewage treatment works.

- This proposal is not appropriate and should be refused as the Council has a 5 year land supply.

There were no questions for Cllr Warner.

Cllr Stubbs asked why the application had come to the Committee, as it would otherwise have been processed? The Planning Team Leader explained that it was in line with the Council's Constitution.

Cllr Trapp noted that Broad Piece would not be widened at the Kingfisher Drive junction. The Planning Team Leader stated that Highways had assessed and had been satisfied with that proposal.

Cllr Hunt asked whether the extreme north of the site include a pedestrian link to the school and garage. This was confirmed by the Planning Team Leader, who stated that the footpath would be upgraded. Cllr Hunt also wanted to confirm that the density of the proposal would be 15.35 homes per acre, if you take out the cordon sanitaire and the Team Leader confirmed this was correct.

Cllr Brown thought the matter was clear. If the Council had been able to demonstrate a 5-year land supply in 2019 this application would not have been submitted. The application went against policy GROWTH2, so he was totally behind the officer's recommendation for refusal. He therefore proposed that the application be refused in line with the officer's recommendation.

Cllr Downey contended that, as the applicant had noticed, the argument that it was against policy GROWTH2 was not a good reason for refusal as it meets all other policies and provides affordable housing and a biodiversity net gain. This was an outline application and some objections had been raised to it. The site was sustainable, had train and bus links, and would provide some job growth. There was concern about pressure on the roads, but don't see anything in the application that would make this worse than any other proposal. The only conundrum was the objections to flooding, but the LLFA had accepted the proposal. Struggle with refusing this when there are houses on 3 sides of the development and it provides homes for people.

Cllr Schumann agreed with Cllr Brown that the planning officer had got the right recommendation. In addition, there were other reasons for refusal: the impact of flooding and drainage, the significant highways impact and the built form of 175 dwellings would have too much of an adverse impact. The density of the housing in an out-of-town area, in a rural location was not acceptable. The play area in the 'cordon sanitaire' had not been addressed.

Although Cllr Stubbs agreed with both Cllr Brown and Cllr Schumann, she thought for clarity the one reason, it was against the policy, was sufficient, as she was not in complete agreement with the other reasons suggested. If the other reasons were added then if the application went to appeal there was more risk it could be overturned as consultees had not objected. She therefore seconded Cllr Brown's motion.

The Planning Manager reminded the Committee that neither the LLFA nor Highways had raised objections. If the extra reasons were added it could make it difficult to defend against a challenge at appeal. As for the built form, this had



been considered by the officer and was considered acceptable, although it was a subjective matter.

Cllr Jones supported the refusal and thought the applicant should give further consideration to best practice and standards to provide the best housing possible.

Cllr Trapp noted Mr Rose's presentation, that the houses would be 1.7km from the main road, all traffic would have to go through Kingfisher Drive so he was not sure this was a good site for development.

Cllr Schumann then proposed an amendment to Cllr Brown's motion, which was seconded by Cllr Jones. The amendment was to agree to the officer's recommendation with the addition of the following reasons for refusal:

- The adverse impact on flooding and drainage issues;
- The significant adverse impact on highway safety;
- The adverse impact of 175 dwellings on residential amenity.

When out to the vote the amendment was declared carried and became the substantive motion.

No other amendments were made, therefore the Committee voted on the substantive motion and it was declared carried.

It was resolved:

That planning application reference 19/00717/OUM be REFUSED for the reason set out in the officer's report with the following additional reasons:

- The adverse impact on flooding and drainage issues;
- The significant adverse impact on highway safety;
- The adverse impact of 175 dwellings in relation to the built form in this location.

## **78. 19/01342/VAR – COLLEGE FARM, MAIN STREET, WENTWORTH**

Andrew Phillips, Planning Team Leader, presented a report (V138, previously circulated) recommending the approval of the application to vary Condition 8 of previously approved application 18/00840/OUT.

The Planning Team Leader advised the Committee that the application was to remove the condition for the requirement for six self-build dwellings at Main Street, Wentworth. The outline application had already been granted for up to six self-build plots and the access had been approved. The main issues related to the loss of the self-build requirement and a new requirement of affordable housing. All other considerations had been dealt with previously.

The original application had been approved in September in 2018, which would expire in September 2021, and the developer had submitted this application due to a lack of interest in the self-build properties which permission had been granted for. The reason this application had taken such a long time to be determined was due to officers ongoing discussions with the applicant in relation to the marketing and to try and ascertain why the units had not been sold.

The developer had demonstrated that there had been no purchasers for any of the self build plots on the site. Although the loss of the self-build housing, which is given minor weight against the proposal, would be a negative outcome, the provision of an affordable housing contribution, in lieu of an on site provision, would be a positive. This positive contribution would outweigh the negative from the loss of the self-build provision.

It was therefore recommended to grant delegated approval be given, in accordance with the report recommendations.

The Chairman then invited District Councillor Lorna Dupre, Ward Councillor, to speak the following points were made:

- This application had been called in as the important issue of the principle of development was at stake.
- The original application had been opposed by District Councillors, Wentworth Parish Council and residents, as the site was outside the development envelope.
- It was called in to this Committee for determination but at that time the Council could not demonstrate it had a five-year land supply.
- The report to the Committee stated that the provision of self-build units was of merit and the Council had a list of people who wanted to build their own homes, so the proposal would have met that need.
- The subsequent officer's report promoted self-build units outside the development envelope and the Committee had supported the scheme.
- Turning these dwellings into market housing, for a sum for affordable housing provision, would encourage other applicants to apply for self-build and then upgrade their scheme later to a more profitable scheme.
- There was benefit in gaining more affordable housing but this had to be weighed against the risk of many more 'trojan horse' self-build applications.
- Residents do not believe the developer had sufficiently marketed the site as self-build.
- The Committee was urged to refuse this proposed variation.

Cllr Trapp asked Cllr Dupre whether there was any evidence that the self-build units had been marketed insufficiently. Cllr Dupre replied that residents had not seen much evidence of marketing.

Cllr Jones queried how long was a reasonable amount of time before applying to change from self-build, as it had only been two years, so was this too soon? Cllr Dupre acknowledged she did not have an expert view, but although current times were unusual, if the proposal for self-build was attractive then more interest could have been expected. She was concerned this change would signal that developers could obtain permission for self-build properties but then turn around later to get market housing, which was a dangerous precedent.

Cllr Wilson asked the Planning Team Leader if the Council accepted the sum of £210K for affordable housing where would they be built? Wentworth was a small settlement so had no suitable site for them. The Committee was informed that it

was unlikely they would be provided in Wentworth, so they would be provided elsewhere in the district.

Cllr Stubbs questioned when that contribution would be paid and who would agree the Section 106 agreement (S106). The Planning Team Leader stated that the agreement was still being drafted and although the payment would probably be paid before the fourth dwelling was occupied, work on an earlier payment trigger was being worked on. The Legal Manager was looking at this and the relevant trigger points. The S106 would be completed prior to the determination of this application.

Cllr Ambrose Smith reminded the Committee that things were different in 2018 and at that time a self-build proposal had considerable merit. The marketing strategy was queried as was the unit pricing, which was considered on the high side. Could the applicant submit a new application for affordable housing and market housing or would this be refused? The Planning Team Leader confirmed that the outline consent included the condition for six self-build units but the applicant now sought to remove that condition and contribute to affordable housing off-site. If this was refused then the outline permission would lapse in September 2021. If a new scheme came forward it was highly likely that refusal would be recommended, due to the site's location outside the development envelope.

Cllr Jones asked how long was the set period of time for schemes to be marketed. The Committee was informed that it was usually around two years.

Cllr Trapp noted that the cost of the self-build plots would be around 50% that of market housing and asked whether that was reasonable. Was Main Street in Wentworth a single road? The Planning Team Leader thought with the value of the sale of the land the costs could be considered reasonable, though the affordable housing contribution was more complicated to value and officers had consulted our Housing Officer who advised the contribution was acceptable. It was confirmed that Main Street was a very narrow lane but laybys would be provided via the outline permission.

Cllr Brown wanted to know whether the applicants had written to the people on the Council's self-build register and those in neighbouring authorities. This information was not known.

Cllr Wilson asked if the applicants had offered shared-ownership and rental affordable houses on that land, so that any contribution went to Wentworth. It was confirmed they had not as unlike a Registered Social Landlord would adopt 2 affordable units in isolation and the contribution had been based on conversations with the Housing Officer.

Cllr Hunt asked whether a Community Infrastructure Levy (CIL) contribution would be secured. It was confirmed that the development would be CIL liable.

Cllr Wilson proposed that the Committee reject the officer's recommendation and refuse the application, as the proposed development would not be in keeping with the village. The proposed six market houses would be different to the houses already in the village. The Planning Manager reminded the Committee

that if the Committee wished to reject the officer's recommendation it had to provide planning reasons for doing so.

Cllr Hunt then proposed that the Committee accept the officer's recommendation. *This was not seconded.*

Cllr Trapp was in favour of self-build but questioned how this site had been marketed and there appeared to be problems with the self-build register and costs. However, he then seconded Cllr Wilson's proposal.

Cllr Jones had concerns over the proposal and preferred allowing for a longer time frame for the self builds to come forward.

Cllr Stubbs thought self-build was needed and would be upset if the Committee voted to overturn the condition for them. Stated she was in a village delivering self build units and had these plots been marketed properly? If the Committee did decide that the proposal was acceptable, the S106 needed to be water-tight and the contribution paid when just 1 home was occupied. However, the Committee should not send the wrong message by accepting the variation.

Cllr Downey thanked Cllr Dupre for her comments, which he mostly agreed with and considered the plots had not sufficiently been marketed. He would also vote to reject the recommendation, as there was no persuasive case to go for market housing.

Cllr Trapp then stated that for clarity the site had not been sufficiently marketed and would be contrary to the Self-build Supplementary Planning Document.

Cllr Brown then proposed an amendment that the officer's recommendation be rejected, as the variation would be contrary to paragraph 2.2.6 of the Council's Custom and Self Build Supplementary Planning Document. This was duly seconded by Cllr Wilson and when put to the vote declared carried.

It was resolved

That officer's recommendation to approve a variation to planning application reference 19/01342/VAR be rejected and the application be REFUSED as it was contrary to paragraph 2.2.6 of the Council's Custom and Self Build Supplementary Planning Document.

#### **79. 20/00296/OUM – LAND REAR OF 163 TO 187 HIGH STREET, BOTTISHAM**

Anne James, Planning Consultant, presented a report (V139, previously circulated) recommending refusal of the development of a retirement care village comprising housing with care, communal health, wellbeing and leisure facilities.

The Planning Consultant advised the Committee that this was an outline application and all matters would be dealt with at the reserved matters stage, except for access. The site in question was outside the development envelope and in the Green Belt, with parts of the south of the site within the Conservation Area. The application was for a Class C2 retirement care village, comprising 170 units and approximately 51 dwellings as affordable housing, open spaces and a communal building. Some of the proposed community facilities would be open

to the public. Vehicular and pedestrian access would be via the High Street with pedestrian access via Rowan Close.

The application had been amended to address some technical issues and the Council's objections. The revised application now included 30% affordable housing and amended highway information. The care village, which was aimed at self-funders, would cater for individuals with various care needs. The units would be available for leasehold at market value or for rent.

No housing design has been forwarded but the indicative layout showed an area proposed for the affordable housing, adjacent to Rowan Close. The C2 element would wrap around the large public open space.

#### Principle of Development

The Adult Health Commission was of the opinion that Bottisham was well serviced with residential care provision. The applicants stated that there were no other preferable sites for this development within the rest of the District, however no evidence was provided to support that view. The development would be in the Green Belt and Members were informed of an Appeal decision for a site in St Albans for a similar scheme that had been rejected due to the impact on the Green Belt. It was considered that no special circumstances had been put forward to outweigh the harm to the Green Belt and the visual amenity.

#### Local Policy

Policy GROWTH2 did provide exceptions for this type of development but any development would need to protect the countryside and town setting. Policy HOU6 states that this type of development should ideally be located within a settlement boundary, but did allow exceptions for this type of development to be located outside development envelopes, where it was in close proximity to a settlement, would have no impact on the character of setting of a settlement or the surrounding countryside and where there was an identified need. .

#### Planning Needs Assessment

The Assessment has indicated there is a significant undersupply of private care accommodation in the market catchment area and in east Cambridgeshire. Locating this accommodation at Bottisham would be more beneficial to the south of the district rather than in the north of the district or in Ely, Soham or Littleport, which the Council have identified as areas of growth. The County Council had identified a number of residential care services needed but it was difficult to assess the demand due to the current pandemic.

#### Residential Amenity

As it was only an outline application the impact on residential amenity would be considered at the detailed design stage, where a revised acoustic report would need to be submitted. Therefore, it was considered that an acceptable level of residential amenity could be attained.

#### The Green Belt

Only a small proportion of land in East Cambridgeshire was in the Green Belt. The National Planning Policy Framework stated that inappropriate development harmful to the Green Belt should not be approved except in very special circumstances. The proposed development does not fall within any of the criteria set out in para 145 and 146 of the NPPF. The Green Belt had five purposes

including safeguarding the countryside from encroachment. This development would have a degree of encroachment due to its scale and massing, would be a significant development within the Green Belt and would see an increase in activity, resulting in an adverse impact on the openness of the Green Belt and would irrevocably cause harm.

#### Historic Environment

The Council County archaeologist had raised no objections relating to the proposal, subject to further investigation. The site is located within close proximity to a number of designated heritage assets, with parts of the site extending into the Bottisham Conservation Area. The degree of harm is considered to be less than substantial harm and this should be weighed against the public benefits, as set out in the report. .

#### Highway Safety and Access

The application had been re-assessed by County Highways following the submission of revised information and its objections had been removed.

#### Ecology and Other Matters

The proposal would secure a biodiversity net gain, which had been reduced from the original calculations. However, it is likely that that further net gains would come from detailed layout, planting specifications and management of the areas which would be delivered at the detailed design stage. There were no expected flooding or drainage issues, subject to relevant conditions.

In conclusion, although there was an acknowledged need for this type of development, Bottisham had already got similar facilities which had vacancies. There was no evidence of any other non Green Belt sites being considered by the applicants. The development would cause significant harm to the Green Belt and it was not considered that very special circumstances had been demonstrated which outweighed any harm to the Green Belt. Therefore, the application was not acceptable and was recommended for refusal.

The Chairman then invited Dr McGrath to speak the following points in objection to the application were made:

- The current medical practice in Bottisham was small and currently handle 5800 patients, a huge proportion of whom were elderly.
- This meant there was already a huge workload coping with these patients, which included patients from the Milton Park care home which was one of the largest in East Anglia.
- A disproportionate number of their patients were in residential care and had an impact on the service.
- The surgery did not have the capacity to expand further and dealing with an influx of more very frail and vulnerable patients would be a disadvantage to other patients.
- A development of the scale proposed would be a threat to the service and could be a dangerous place with vulnerability to the COVID virus.

Cllr Jones asked whether the practice had funding weighting due to its older patients. Dr McGrath explained the weighting depended on the age of patients and how chronic their conditions were. Any re-imburement would not cover costs.

Cllr Ambrose Smith queried the possibility of expanding the practice and Dr McGrath stated that any expansion would need the demographic of its patients being shifted away from the 30% of its patients now over 65. The service would have recruitment difficulties and was already an outlier in terms of the dependence of its residential and care homes. It already provided emergency and planned care for those homes but any future funding would not be able to support the proposed new development.

Cllr Trapp wanted to know whether the service was overstretched. Dr McGrath confirmed that it was due to the aging population. People were having to wait longer to access the service and the thought of a new burden was petrifying.

The Chairman then invited the Democratic Services Officer to read a statement submitted by Jody Deacon in objection and the following points were made:

- The construction of any buildings backing onto the new garden or restricting of views was opposed.
- There were concerns on the impact of local significant wildlife.
- There would be a huge disruption to the natural habitats and would take away some of the charm and attractiveness of Bottisham.
- The land is conservation land and any building on it would be unfair to local residents who have defended it from development.
- The development is not suitable and the proposal to remove green spaces in favour of housing was clearly not the way to go.
- The cluster of social housing is an irresponsible move by the developer, as it should be integrated throughout the development.
- The developer has chosen a development for easy profit and not what would benefit Bottisham.
- The village already had two care homes and the land use has not been suggested to support younger families or the younger generations.
- The Government encouraged people to engage in their wellbeing, pointing to open landscapes and nature to help, and this development goes against that ethos.
- A secluded and private retirement village would only add significant traffic to an already overburdened village and pressure on local NHS and other services.

The Chairman then invited Phil Grant, to speak on behalf of the applicant and the following points were made:

- An outline application had been submitted for private retirement housing with care, communal facilities, public open space and affordable housing.
- A clear distinction should be made between this proposal and other existing care facilities in Bottisham.
- This proposal provides for homes to rent or buy with onsite care available, to allow individuals or couples to live independently.
- The care would be provided via a private onsite care agency registered with the Care Quality Commission.
- Although the site sits within the Green Belt the benefits the proposal could bring had to be carefully balanced against its inappropriateness and perceived harm.

- The report author had not taken a balanced view nor sought an independent officer for advice on the impacts regarding the Green Belt.
- Members did not have to follow the officer's recommendation and could give weight to the material considerations.
- Members should weigh up the following benefits of the proposal: the critical need for specialist older people's housing; the provision of over ten acres of funded and maintained natural parkland and play area in a village of limited public space; ecological enhancements and biodiversity net gain; provision of affordable housing; release of general housing stock and the economic benefits of job generation.
- Objectively it was clear the benefits of the development outweighed the negative impacts.
- A number of appeal decisions had afforded significant weight to the need for private older people's accommodation had outweighed the harm to the Green Belt.
- Very Special Circumstances had been demonstrated so the application could be approved.

Cllr Jones questioned the level of medical needs and primary care that could be provided for the new residents. It could be expected that they would have their own private health insurance, so would they not need to use the NHS? Mr Grant stated it was a requirement for residents on the site to sign up to the care provision by the on-site care agency. Domestic care would be dealt with on-site. Everyone would still have to register with the General Practitioners (GPs). The applicants had attempted to consult the local GPs but without success. There would be multi-functional rooms provided on site to allow GP's to come to the facility if necessary.

Cllr Downey asked whether the development would reduce the strain on the NHS and should that be given significant weight? Mr Grant stated that research supported that fact and stated that private care was a critical issue and there was a national need for it.

Cllr Ambrose Smith was broadly in favour of the development but was concerned about Dr McGrath's statement about the tremendous burden it would place on the local practice, but would the applicants provide or be prepared to employ a GP on-site? Mr Grant stated that health provision would be down to the health care operator to deal with. A similar development had provided health care in consultation with local GPs and they could see a number of residents in one place and not have to do multiple house visits. This issue could be dealt with under Reserved Matters. This type of facility also keeps people active for longer.

The Chairman then invited Parish Council Chairman Jon Ogborn, to speak on behalf of the Parish Council and the following points were made:

- The Parish Council strongly opposed this application for a number of reasons.
- The site was on Green Belt land, which had a high landscape value, and was alongside a Conservation Area. The Inspector had supported the need to protect the Green Belt, during a recent planning appeal, which also provided an easily recognisable boundary in the neighbourhood.



- The site was also outside the development envelope and limited development should only be allowed.
- The District Council had demonstrated a 7 year land supply, so development envelopes should be respected.
- Therefore, the Parish Council sought to protect this area and asked the District Council to also be committed to doing that.
- The Parish Council had supported a scheme providing affordable homes in the village, but this was on a limited landscape value area and was well away from the Conservation Area. So no further affordable housing was needed in the village.
- There was no significant need for another retirement village of this scale that could justify this development.
- With three residential care facilities already in the village, the development would increase the burden on the medical practice leading to reduced care for other residents.
- The application should be rejected as there was no significant need for it and it was on Green Belt land outside the development envelope.

There were no questions for Cllr Ogborn.

The Chairman then invited District Councillor Charlotte Cane, as a Ward Councillor, to speak and the following points were made:

- The officer's recommendation to refuse the application be supported.
- The site was outside the development envelope and since the Council had a 7-year land supply it should enforce this envelope.
- The site was also in the open countryside with the Green Belt, but the applicant had not made an exceptional case for development on that site.
- Bottisham already had two care homes and there was already a range of retirement provision across East Cambridgeshire with permissions for more, so why build outside the development envelope and in the Green Belt.
- If this development was built it would put a strain on the local infrastructure.
- The existing residential homes already had issues over staff recruitment and a further home would lead to more recruitment problems.
- There was only limited transport links to the village, so this would lead to increase traffic issues.
- The GP surgery had expressed its concerns about the impact on its services, which included a wide area around Bottisham. Its high standard of care would be at risk by the additional demand.
- Bottisham suffered local flooding and foul water problems. Until those problems were resolved it would be foolhardy to allow further significant development.
- The Council's planning policy sought 40% affordable housing but this application only offered 30% as set out in the viability appraisal, but this was based on sites where land had full market development value which this site would not have.
- If the Committee were minded to accept the application it should add a condition for the provision of 40% affordable housing to be integrated into the development rather than a single area.

- The infrastructure of Bottisham could not support a development of that size.
- It would harm, and conflict with the purposes of, the Green Belt, be outside the development envelope and lead to the loss of openness therefore the application should be refused to protect the landscape and the village.

There were no questions for Cllr Cane.

In response to Cllr Downey's query, the Planning Consultant noted that the report acknowledged and did not dispute the need for this type of development. The applicant had not submitted evidence of other sites that had been discounted and any application on non-green Belt land would have been considered on its own merit. The Council are not saying that there is no need, but do not consider that special circumstances have been put forward to justify the proposed development in the Green Belt.

Cllr Stubbs definitely supported the officer's recommendations it had been made clear that this was an inappropriate development with the Green Belt and was in open countryside. Therefore, she proposed that the officer's recommendation for refusal be agreed.

Cllr Downey noted the under-provision of this development type and that if it were on non-Green Belt land it would be considered. This proposal provided a social benefit, which makes up for harm to the Green Belt. The designation as an open countryside site was not a common sense test, as there was development all around it and the proposal included for open park space. The applicant had made a good case that the proposal would reduce the pressure on the NHS as a whole. It may impact on the local GP, but they could get funding. Therefore, he was in favour of the application because of its social benefit which allowed people to move out of current houses and move in here, freeing up houses for young people.

Cllr Schumann commended the Planning Consultant on her report and presentation. Although not disagreeing with Cllr Downey's view, as care homes could be considered for exception sites, this proposal has not met the higher standard required due to its location within the Green Belt. Therefore, he seconded Cllr Stubbs proposal.

Cllr Ambrose Smith does not disagree with the points raised by Cllr Downey but thought the issue hinged on the shortfall of the GPs availability on this site. Older people needed more care. The current GPs would not be able to cope with more patients and the applicant could not provide this care on-site.

Cllr Trapp agreed that there was a need for more care homes but considered this the wrong location. Bottisham needed more GP space.

Cllr Jones, in agreeing with both sides of the argument, was concerned about the pinch-point with health services, which could possibly lead to a break down in care.

Cllr Wilson noted that there was a tiny amount of Green Belt land in East Cambridgeshire, so the Council did not want to lose it. The application included affordable housing in a great lump, which was not practical as it should be mixed in. The proposal was also in the wrong place.

When put to the vote the proposal to refuse the application was carried.

It was resolved:

That planning application reference 20/00296/OUM be REFUSED for the reasons set out in the officer's report.

*Cllr Schumann left the meeting at this point, 6:14pm.*

#### **80. 20/00630/FUM – SITE SOUTH AND WEST OF THE BUNGALOW, BRICK LANE, MEPAL**

Angela Briggs, Planning Team Leader, presented a report (V140, previously circulated) recommending refusal of the erection of 55 dwellings with associated infrastructure.

The Planning Team Leader advised the Committee that the application was for 55 new dwellings on a site next to the A142. New access to the site would be via Brick Lane. The main open space was to the east of the site. The site was not flat, with the highest point next to the A142 reducing by four metres across the site.

##### Principle of Development

The site was outside the development envelope and within the Sutton Neighbourhood Plan area, making the Sutton Neighbourhood Plan relevant as it applied to new developments. The Committee were reminded that the Council had more than the required 5-year land supply. The application proposed 100% affordable housing, so the site would be designated as a rural exception site but needed to be assessed against the Neighbourhood Plan, as it was the most up-to-date policy. The application failed to meet Policy NP3 of the Sutton Neighbourhood Plan..

##### Design and Layout

The design was not considered to relate sympathetically to the area and had not been developed in a comprehensive way to create a strong and attractive sense of place and local distinctiveness. The proposal also by virtue of its design, layout and form, fails to relate sympathetically to the surrounding area and each other and does not create a quality scheme in its own right. The proposal would not comply with policies ENV1 or ENV2 of the Local Plan, the Design Guide SPD, chapter 12 of the NPPF and the National Design Guide PPG.

##### Biodiversity

The ecological survey and bat activity report had shown that the site was of low ecological value, although the vegetation that surrounds the site would provide some habitat value for wildlife and act as a wildlife corridor around the edges.. The applicant could not achieve a net biodiversity gain on site and the applicant had submitted a biodiversity offsetting report, since the publication of the

committee agenda, providing off site provision for biodiversity to secure a net gain. The Wildlife Trust were consulted and raised some concerns as set out in the Planning Committee Update circulated to Members before the meeting. Following their initial comments on the report, further discussions have taken place between the applicant and the Wildlife Trust and the Wildlife Trust have now withdrawn their objections and are satisfied that the proposal will achieve a biodiversity net gain with the off-site proposals and if the application was approved these should be secured via a s106 Agreement. Therefore, it was recommended to Councillors that reason for refusal No. 3 no longer was required, or being recommended as a reason for refusal by the Officer.

#### Residential Amenity

Noise from the A142 would be mitigated by an acoustic fence and Environmental Health had reviewed the proposal and while there would be some minor exceedances in noise levels these would only affect a small number of plots and not considered sufficient to warrant the refusal of the application on this basis. Due to the siting of the proposed dwellings, there would be no significant adverse impact on the residential amenity of existing dwellings. A high number of the proposed plot sizes are less than recommended by the Council's Design Guide SPD and cumulatively this will result in some plots not offering adequate or healthy amenity space for future occupiers, have an adverse impact on residential amenity.

#### Other Matters

All other matters were acceptable, as set out within the report to Planning Committee.

In conclusion, the application was not acceptable as it did not comply with policies within the Sutton Neighbourhood Plan, its design and layout and overall development would not result in a quality development and therefore did not comply with the Local Plan, Neighbourhood Plan, NPPF, Council's Design Guide and the National Design Guide. The application was therefore recommended for refusal as per the report with the exception of the biodiversity reason, as this had been addressed.

The Chairman then invited Charles Linsey, to speak in objection to the application and the following points were made:

- The main concern related to the ditch for rain water and the trees. If they were removed, and no storm drains available, then the rain water would run onto driveways and back gardens.
- There would not be enough parking on the new development, so new residents would have to park on the road.

There were no questions for Mr Linsey.

The Chairman then invited Diana Bray, to speak in objection to the application and the following points were made:

- Object on behalf of Mepal residents.
- The development of 55 social and shared ownership houses was completely inappropriate for a small rural village.
- It would not reflect the mix and nature of the existing housing and the 12% increase would change the character of the village.
- The site had not been adopted for development.

- Not against development of the site, but what has been put forward does not accord with policy.
- There was no identified need for 55 affordable homes in Mepal.
- This would be a high density urban development which would be out-of-place in such a rural location and would result in poor amenity for prospective residents.
- There were two conflicting views about the site access.
- Trade vans would have to park on Brick Lane, as they would not be allowed on the site.
- Sewage continued to be a problem and more houses would not help.
- Congestion in the A142 already severely impacted access in and out of the village.

Cllr Jones asked if the access onto the A142 was still the same. Mrs Bray advised it is still the same and takes a while to get out, which then creates a rat run through Witcham. The new AD plant also leads to further congestion and problems existing the village, especially towards Chatteris.

Cllr Trapp asked what the speed limit on the A142 was. Mrs Bray thought it was the national speed limit.

Cllr Hunt asked if he could see the photo showing the junction of the A142 and Sutton Road. Photo was shown.

The Chairman then invited Edward Clarke and Kate Duvall, to speak on behalf of the applicant and the following points were made:

- The main issue is policy NP3 of the Sutton Neighbourhood Plan.
- The Council had allocated the site for residential development in its withdrawn Local Plan.
- The applicant was told that the location would be accepted as an exception site for affordable housing as part of a pre-app.
- Solicitors had confirmed that policy NP3 does not bring the proposal into conflict and it would be in accordance with the Sutton Neighbourhood Plan, so that would not prevent development.
- A rural exception site is an exception.
- The National Planning Policy Framework and neighbourhood plan should not prevent housing developments.
- The proposal had been designed to be bespoke to ensure it adapted to the constraints of the site.
- A number of homes were specifically designed to keep people remaining in the village.
- There were 986 applications on the housing register and over 200 had expressed a view to live in Mepal.
- Over the last seven years the Council was 609 under its target for provision of affordable housing.
- The affordable housing would be a social benefit.
- The applicant was a not-for-profit organisation, who manage over 6,000 affordable homes and invest to enrich communities and are a responsible landlord.
- It provided social or affordable housing and had provided over 500 such homes.
- This application gave the opportunity to deliver another 55 affordable homes to meet some of the Council's shortfall.

Cllr Jones thought the development would ‘shore horn’ a lot of housing onto the site, resulting in small houses which would impact people’s amenity. Was this the best type of housing that could be used as a ‘quality’ option and have you considered proposing less housing? Mr Clarke stated that the site had been allocated for 50 dwellings, which would be 19 dwellings per hectare, but this application proposed 55, equating to 21 dwellings per hectare.

Cllr Trapp asked where the other 900 affordable housing had been provided by the applicants and would electric charging points be included? The Committee was informed that the affordable housing had been provided in East Cambridgeshire, Suffolk and Norfolk. Charging points had not been requested but their provision could be looked at.

Cllr Downey noted that lawyers had advised that NP3 did not prevent rural exception sites coming forward. Mr Clarke noted that the Sutton Neighbourhood Plan was silent on affordable housing and had not mentioned exception sites, so the wording is not stating that no development is acceptable.

The Chairman then invited Parish Councillor Lorna Williams, Vice Chairman of Mepal Parish Council, to speak on behalf of the Parish Council and the following points were made:

- Mepal had a history of encouraging sympathetic and appropriate development to help create sustainable rural communities.
- The Parish Council objected to this application for a number of reasons.
- There was no safe cycleway from Sutton to Ely and the existing public transport was unsuitable, so leading to a heavy reliance on cars. The resultant increase in commuter traffic had not been modelled and the additional journeys would add to the problems accessing the A142 and would be disruptive to Brick Lane residents.
- There were concerns about the density of the proposed development and increase in works vans outside residents’ dwellings. Minor amendments to widen the road would not alleviate those concerns. If the application was approved, the Parish Council would like to see the density be significantly reduced.
- Flooding and drainage/sewerage issues were already existing and the additional 55 houses would be detrimental to surface water drainage.
- The density and design were poor and incompatible with the local character of the village.
- Road noise from the A142 was an ongoing problem and the mitigations proposed would not improve the situation.
- There had been a large number of objections to this application including from the wider village community and there had not been one comment in favour of it.

Cllr Hunt asked whether a lower density proposal would be acceptable to the Parish Council. Cllr Williams stated that it would be dependent on the revised road layout, design and numbers proposed. It would be looked at and discussed with residents. The principle of development on that site was not wholly rejected but a reduced density proposal would have helped. A shared ownership house has also been for sale in the village for some time, which shows there is no need.

Cllr Trapp wanted to know about the difficulties that vehicles had getting onto the A142 and asked whether individual objectors had submitted their concerns in the own letters. Cllr Williams revealed that it could take up to 20 minutes to get out of the A142 junction and this difficulty had resulted in a number of accidents. 15 to 25 residents had contacted the Parish Council, but may have also responded themselves.

The Chairman then invited District Councillor Lorna Dupre, as Ward Councillor, to speak and the following points were made:

- Changes had occurred to the parish boundaries on 12 July 2019.
- This application should be refused on location, design and biodiversity grounds.
- The District Council had demonstrated a land supply of 7 years and could uphold its development envelopes.
- The site was clearly outside the development envelope and any potential development should be strictly controlled.
- Even if the proposal could have been permitted as an exception site, due to its 100% affordable housing provision, the number of dwellings was far in excess of the village's need.
- The site was defined as countryside and the proposal was outside the permitted list of potential uses for such a definition as specified in policy GROWTH2 of the Local Plan.
- The site is within the boundary of the Sutton Neighbourhood Plan, which superseded the District Council's Local Plan and the proposal is outside the list of uses specified in the NP as acceptable.
- The Neighbourhood Plan had to be upheld and respected.
- The density suggested fell below the minimum design standard and would have a negative impact on future occupiers.
- The development would not complement Brick Lane and would not comply with the Council's Design Guide or the National Design Guide.
- There would also be no net biodiversity gain and any benefit clearly would not outweigh the biodiversity loss, so the application should be refused.
- The Council's SPD is very clear and providing an off-site contribution which is miles away is not acceptable.
- The proposal failed to meet the National and Local Policy and Guidance so should be refused.

There were no questions for Cllr Dupre.

The Chairman then invited District Councillor Mark Inskip, as Ward Councillor, to speak and the following points were made:

- The site location was outside the development envelope and was therefore in the countryside, so its use was restricted by GROWTH 2.
- A rural exception site for 100% affordable housing would be far beyond the local affordable housing need for Mepal, as only 15 to 20 would be needed as based on a recent similar survey completed for Sutton.
- 83 people had expressed a preference to live in Mepal but they had also applied for multiple locations, so it was unknown whether Mepal was their first or second choice.

- The site was within the Sutton Neighbourhood Plan boundary, so that need to be considered.
- The land could be used for agriculture or forestry. Policy NP3 makes no reference to rural exception sites.
- That Sutton Neighbourhood Plan was the most up-to-date document and sought to provide additional homes but in locations supported by residents, with access to services. Affordable Housing would be provided as part of the other developments allocated in the plan.
- The biodiversity policy stated that developments should offset any losses on or close by, which this application did not as was proposing improvements 7km away.
- Therefore Members should refuse this application.

There were no questions for Cllr Inskip.

Cllr Trapp questioned the site's proposed density, as it seemed similar to a neighbouring estate Chestnut Way in Mepal. What was the proposed sound screening of the A142? The Planning Team Leader acknowledged that the neighbouring estate was of a similar density. The proposed 3.3 metre high acoustic fencing was considered adequate.

Cllr Jones shared the concerns about the over development of the site and feared that if it was approved then it would aggravate the current road situation. He therefore proposed that the officer's revised recommendation for refusal be approved.

Cllr Wilson had a problem deciding on this proposal, as he was greatly supported rural exception sites, but this development would be too big for the village and would make a significant difference. He was also a great supporter of the Sutton Neighbourhood Plan and thought this had to be supported, even though the NP did not talk about affordable housing. So he had to decide between balancing the requirement for affordable housing against the Neighbourhood Plan.

Cllr Downey thought the decision turned on policy NP3 of the Sutton Neighbourhood Plan. As a general rule an exception site is an exception, so he objected to the officer's recommendation. 'Normally' means could be? The policy does not state no development ever outside development envelopes. He supported the provision of affordable housing and had never seen an application for 100% provision. It would be on a large site which was attached to the village. So far the Committee had not accepted any applications for houses, though it had to actively encourage sustainable developments. This proposal was perfectly good, so he proposed that the officer's recommendation be overturned. The design was subjective and it was a reasonable proposal.

Cllr Trapp also supported affordable housing but the proposal was for a high density development, in a small village, which would result in affecting the road junction. So it was a difficult decision to make.

Cllr Hunt stated that if the Council did not support the Sutton Neighbourhood Plan it would not encourage anyone to complete one, so this should not be ignored.



Cllr Ambrose Smith agreed with both Cllr Wilson's and Downey's comments. There were doubts about the access and acknowledged that an exception site was an exception.

Cllr Stubbs had been a member of the Sutton Neighbourhood Plan and knew how much hard work had gone into producing it and its importance to residents. Affordable housing was important to everybody and it was a shame that the application had not done more to make the proposal more sustainable by being less overdeveloped. It was an opportunity missed.

Cllr Hunt echoed what Cllr Stubbs said and commented that communities put a lot of work into a Neighbourhood Plan.

Cllr Brown supported Cllr Jones' view and seconded his proposal to accept the officer's revised recommendation. *This become the original motion.*

Cllr Trapp considered the site as an exception site and seconded Cllr Downey's proposal to overturn the officer's recommendation. *This became an amendment.*

The amendment was put to the vote and declared lost.

The original motion was then put to the vote and declared carried.

It was resolved:

That planning application reference 20/00630/FUM be REFUSED for the reasons set out in the officer's report excluding the reason relating to biodiversity.

## **81. 20/01373/FUL – PERRYMANS, 22 LEY ROAD, STETCHWORTH**

Angela Briggs, Planning Team Leader presented a report (V141, previously circulated) recommending refusal of an application for change of use from a detached annexe to a Class 3 dwelling.

The Planning Team Leader advised the Committee that the application was for a change of use of an annexe and would include for a new boundary wall, landscaping, access and hardstanding. It was proposed to remove the existing external staircase, replace clear windows with frosted and provide a new vehicular access. The detached building was outside the development envelope.

### Principle of Development

As the building was not within the Stetchworth development envelope it did not comply with policy GROWTH2 which restricted market housing in such locations.

### Residential Amenity

There would be no alteration to the floor plans, clear glazing would be replaced with frosted where required and a new boundary wall included. The building's footprint would not be enlarged and there would be no significant impact on neighbours. So it would not have an adverse impact on existing properties residential amenity, or on the re as it had plenty of amenity space.

### Visual Impact

The removal of the staircase would have a positive impact. While the new wall would be partially visible, it was considered acceptable and complementary to the site. There would be no change to the character of the area and no adverse visual impact.

#### Highways Safety

Offset parking for an extra two spaces could be accommodated and was considered acceptable.

#### Trees and Landscaping

The site benefited from existing trees though the walnut tree should be removed and replaced with a suitable species as part of a soft landscaping scheme.

#### Other Matters

The risk of flooding would be low. The existing building would remain as it is. Any biodiversity change would be slight, however, if approved biodiversity enhancements should be secured by condition.

In conclusion, the proposal was not supported in principle so was recommended for refusal.

The Chairman then invited Chris Anderson, to speak on behalf of the applicant and the following points were made:

- The proposal was for a minor change of use.
- The staircase would be removed and the window re-glazed, a new wall would be constructed and a replacement tree planted.
- No objections to the proposal had been received.
- The site was not within the Conservation Area and there were no heritage assets within the site.
- The single issue related to GROWTH2, the need to protect the countryside, but this application would cause no adverse impact or harm.
- The site was already very domesticated so should not be considered as part of the countryside.
- The development envelope was designed to prevent the sprawl of housing but this had no sense of sprawl.
- The site was suitable for the village and was sustainable.
- Its location and character related well to the village, would not cause any harm so the application should be supported.

There were no questions for Mr Anderson.

The Chairman then invited Parish Councillor Lily Whymer, Chairman of Stetchworth Parish Council, to speak on behalf of the Parish Council and the following points were made:

- The building was already in place and had been used as a dwelling as an annexe for about twenty years.
- There was no proposal for a substantial change to the dwelling.
- The dwelling could not be considered as outside the village, as it was opposite number 31 Ley Road.
- The annexe had been inhabited for over twenty years, after permission was granted and had been used by applicants' parents

and then their daughter and they now want to downsize, but remain in the village, so want to sell the annexe.

- The parish Council supported the application for the annexe to become a stand alone dwelling.

There were no questions for Councillor Whymer.

The Chairman then invited District Councillor Alan Sharp, Ward Councillor, to speak and the following points were made:

- He had called in this application as it presented a unique opportunity and should be decided by Members.
- The existing building had been used as an annexe and while it was outside the development envelope it was within the community of Stetchworth.
- There was already an established entrance, which had not been used for years and was fenced off.
- Maintenance of development envelopes was important but Members should decide whether this was an exception.
- The annexe had received planning permission in 2001.
- This proposal would not introduce an additional building, was already in residential use and would not have an adverse impact so should be approved.

Cllr Ambrose Smith asked if there were any anomalies with this site. Cllr Sharp wanted to protect the development envelope but this was a unique site. The building had an existing external staircase to the rear but apart from its removal there would be no actual change to the building.

Cllr Jones asked the Planning Team Leader if permission was granted would this give full permitted development rights to the annexe, so a further annexe could be added to the annexe? This was an exception site, it was not a new building so he was in favour of allowing the application. The Committee was informed that the Council did not like to remove permitted development rights unless absolutely necessary.

Cllr Brown noted the site was outside the development envelope but it had been occupied for 20 years. Allowing the application would protect the countryside and would not adversely affect it. Therefore he proposed that the officer's recommendation be rejected and the application be approved for those reasons. This was duly seconded by Cllr Wilson.

Cllr Trapp asked if the Swimming Pool would be affected by the development. The Planning Team Leader confirmed that the pool would not be affected by this proposal.

Cllr Wilson then proposed that in addition delegated authority be given to the Planning Manager to agree relevant planning conditions. This was accepted by the proposer and when put to the vote the application was approved.

It was resolved:

That the officer's recommendation to refuse planning application reference 20/013738FUL be rejected and the application be APPROVED for the following reason:

- Allowing the application would not adversely affect the countryside.

It was further resolved:

That planning conditions be delegated to the Planning Manager.

## **82. PLANNING PERFORMANCE REPORT – JANUARY 2021**

Rebecca Saunt, Planning Manager, presented a report (V142, previously circulated) summarising the Planning Department's performance in January 2021.

The Planning Manager stated that planning references would be included in future reports against the planning appeal decisions and the upcoming planning appeals. Members attention was also drawn to the upcoming planning appeal hearings, details of which were included within the report.

It was resolved:

That the Planning Performance Report for January 2021 be noted.

The meeting concluded at 8:12 pm.

Date of Publication of Decision List: 5<sup>th</sup> March 2021

**FOR INFORMATION ONLY**

**NONE OF THESE DECISIONS ARE SUBJECT TO CALL-IN**



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

PLANNING COMMITTEE – 3<sup>rd</sup> March 2021  
DECISION LIST

ITEM NO.	Report	APPLICATION	DECISION	ACTION BY
5	V137	19/00717/OUM Proposed erection of 175 dwellings Broad Piece, Soham	It was resolved:  That planning application reference 19/00717/OUM be REFUSED for the reason set out in the officer's report with the following additional reasons: <ul style="list-style-type: none"> <li>• The adverse impact on flooding and drainage issues;</li> <li>• The significant adverse impact on highway safety;</li> <li>• The adverse impact of 175 dwellings in relation to the built form in this location .</li> </ul>	Barbara Greengrass Planning Team Leader and Rebecca Saunt Planning Manager
6	V138	19/01342/VAR To remove condition to only allow self-build properties on the site College Farm, Main Street, Wentworth	It was resolved  That officer's recommendation to approve a variation to planning application reference 19/01342/VAR be rejected and the application be REFUSED as it was contrary to paragraph 2.2.6 of the Council's Custom and Self Build Supplementary Planning Document.	Andrew Phillips Planning Team Leader
7	V139	20/00296/OUM Development of retirement care village High Street, Bottisham	It was resolved:  That planning application reference 20/00296/OUM be REFUSED for the reasons set out in the officer's report.	Anne James Planning Consultant
8	V140	20/00630/FUM Erection of 55 dwellings Brick Lane, Mepal	It was resolved:  That planning application reference 20/00630/FUM be REFUSED for the reasons set out in the officer's report excluding the reason relating to biodiversity.	Angela Briggs Planning Team Leader

9	V141	20/01373/FUL Change of use Perrymans, 22 Ley Road, Stetchworth	<p>It was resolved:</p> <p>That the officer's recommendation to refuse planning application reference 20/013738FUL be rejected and the application be approved for the following reason:</p> <ul style="list-style-type: none"> <li>• Allowing the application would not adversely affect the countryside.</li> </ul> <p>It was further resolved:</p> <p>That planning conditions be delegated to the Planning Manager.</p>	Gemma Driver Planning Officer and Rebecca Saunt Planning Manager
10	V142	Planning Performance – January 2021	<p>It was resolved:</p> <p>That the report be noted.</p>	Rebecca Saunt Planning Manager