



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 3rd October 2018

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

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

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

Conservative Members	Liberal Democrat Members	Independent Members:
Cllr Joshua Schumann (Chairman) Cllr Mike Rouse (Vice- Chairman) Cllr Christine Ambrose Smith Cllr David Chaplin Cllr Paul Cox Cllr Lavinia Edwards Cllr Mark Goldsack Cllr Bill Hunt Cllr Stuart Smith	Cllr Sue Austen (Spokes)	Cllr Derrick Beckett
Substitute Members Cllr Elaine Griffin-Singh Cllr Neil Hitchin Cllr Lisa Stubbs	Substitute Members Cllr Lorna Dupré Cllr Christine Whelan	Substitute Members -
Lead Officers: Jo Brooks, Director, Operations Rebecca Saunt, Planning Manager		
Quorum: 5 Members		

PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 10.20am
(Please note site visit timings are approximate)

A G E N D A

1. Apologies and Substitutions

[oral]

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

3. **Minutes**
To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 5th September 2018

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

5. **18/00609/FUM**

Proposed change of use from B8 to B2 and 15No. starter units including associated parking, drainage and hard landscaping.

Land Rear of Meadow View Industrial Estate, Reach Road, Burwell

Applicant: Mark Cross Limited

Site Visit: 11:35am

6. **18/00748/FUL**

New dwelling and associated works.

91 The Row, Sutton, CB6 2PB

Applicant: Mr & Mrs Flitton

Site Visit: 10:35am

7. **18/00803/FUM**

The erection of 24 dwellings with access from Bury Lane, including affordable housing, open space, children's play area, drainage basin and associated infrastructure.

Land at Bury Lane, Haddenham

Applicant: Laragh Homes Developments Ltd

Site Visit: 10:55am

8. **18/00832/OUM**

Outline application for residential development, with all matters reserved except access, for up to 52 dwellings and associated development including public open space at land to the north east of Soham Road, Fordham.

Land between 4 and 5 Soham Road, Fordham

Applicant: Endurance Estates Strategic Land Ltd

Site Visit: 11:55am

9. **18/00933/OUT**

Erection of 3No. dwellings.

53 Pound Lane, Isleham, CB7 5SF

Applicant: Mr G Baxter

Site Visit: 12:10pm

10. **Planning Performance Report – August 2018**

1.	<p>Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal office hours you should report to the main reception desk, where you will be asked to fill in a visitor's pass that must be worn at all times whilst you are in the building. Please remember to return your pass before you leave.</p> <p>This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.</p> <p>The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of 60 people plus Applicants, Agents, the Press and Registered Speakers.</p> <p>Admittance to the Council Chamber is on a "first come, first served" basis and public access will be from 30 minutes before the start time of the meeting.</p> <p>There are a number of schemes aimed at encouraging public participation in the Council's activities and meetings. These include public question times and a process to enable petitions to be submitted. Details of these can be obtained by calling any of the telephone numbers below or by logging onto the Council's website.</p>
2.	<p>Fire instructions for meetings:</p> <ul style="list-style-type: none"> ▪ If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts. ▪ The fire assembly point is in the front staff car park by the exit barrier. ▪ This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services. <p>The Committee Officer will sweep the area to ensure that everyone is out of this area.</p>
3.	<p>Reports are attached for each agenda item unless marked "oral".</p>
4.	<p>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</p>
5.	<p>If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:</p> <p>"That the press and public be excluded during the consideration of the remaining items no. 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 there would be disclosure to them of exempt information of Categories X Part I Schedule 12A to the Local Government Act 1972 (as Amended)."</p>

MAIN CASE

Reference No: 18/00609/FUM

Proposal: Proposed change of use from B8 to B2 and 15No starter units including associated parking, drainage and hard landscaping,

Site Address: Land Rear Of Meadow View Industrial Estate Reach Road Burwell

Applicant: Mark Cross Limited

Case Officer: Oli Haydon, Planning Officer

Parish: Burwell

Ward: Burwell

Ward Councillor/s: Councillor David Brown
Councillor Lavinia Edwards
Councillor Michael Allan

Date Received: 20 June 2018

Expiry Date: 4th October 2018

[T108]

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below:

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Specified materials
- 4 Foul and Surface Water
- 5 Flood Risk Mitigation Measures
- 6 Site Characterisation
- 7 Reporting of unexpected contamination
- 8 Archaeological Investigation
- 9 Parking & turning
- 10 Access drainage
- 11 Lighting Scheme
- 12 Construction Times
- 13 Biodiversity Measures
- 14 Energy Efficiency

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks consent for 15 light industrial (B2) starter units, with associated car parking, drainage and cycle parking.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application is to be determined at Planning Committee due to the constitutional requirement for major employment applications to be decided in this manner.

3.0 **PLANNING HISTORY**

3.1

95/00718/FUL	Erection of 929 sq metre Industrial Unit and associated parking	Approved	04.10.1995
00/00197/FUL	Erection of workshop and use of site as transport yard for 10 vehicles (H.G.V.)	Approved	31.05.2000
00/00271/FUL	Erect Light Industrial Units	Approved	31.05.2000
01/01094/FUL	Main office building and general storage building for Browns of Burwell	Approved	14.01.2002

4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is located within the development envelope for Burwell, adjacent to the BUR2 employment allocation for B1/B2 use. The site is currently used as a transport storage area, with concrete hardstanding and existing fencing and a gated entrance. The site forms part of a larger industrial estate, comprising a range of uses and operations. To the west is open countryside, with the main settlement of Burwell located northwards. The edge of the site is located in Flood Zone 2, with the area to the east located in Flood Zone 3.

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.

Design Out Crime Officers – “I have read all relevant documents and am happy that the Applicant has considered crime prevention – this is shown in the design and

layout of the proposed starter units allowing surveillance across car park areas and other units. I am also happy that the current security fencing is to be retained. I fully support this application and would add my support to the request that external lighting on the site could be considered as a Condition”.

Burwell Parish Council – No objections raised.

Ward Councillors - No Comments Received

Local Highways Authority - The Highway Authority has no objection in principal to this application. The development benefits from an existing and suitable access with the highway.

CCC Growth & Development - No Comments Received

Environmental Health – No concerns to raise at this time due to the proposed site being located between existing industrial units (subject to conditions relating to contamination and construction hours).

Economic Development - No Comments Received

Waste Strategy (ECDC) - No Comments Received

Environment Agency – “We have reviewed the submitted Flood Risk Assessment (FRA) with regard to main river flood risk sources and consider this to be acceptable for the scale and nature of the proposed development. We have no objection to the proposed development but recommend that the mitigation measures proposed in the FRA are adhered to”.

Cambridgeshire Archaeology – No objections subject to a written scheme of investigation being secured by condition.

National Grid – No objections subject to informative.

Technical Officer Access – “The dimensions of the accessible toilets shown do not comply with the requirements of BS8300 2009. These facilities should be made bigger to comply on all types of units. If the general public are to be invited to these units, their design should comply with all aspects of BS3900 2009, which will then take into account the needs of those with disabilities.”

5.2 **Neighbours** – 18 neighbouring properties were notified, an advert was placed in the Cambridge Evening News and a site notice was posted. No responses were received.

6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 8	Flood risk

- COM 7 Transport impact
- COM 8 Parking provision
- GROWTH 1 Levels of housing, employment and retail growth
- GROWTH 2 Locational strategy
- GROWTH 3 Infrastructure requirements
- BUR3 Employment allocation, former DS Smith site, Reach Road
- BUR2 Employment allocation, land at Reach Road

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2018

- 6 Building a strong, competitive economy
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

6.4 Submitted Local Plan 2017

- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP22 Achieving Design Excellence
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP8 Delivering prosperity and Jobs
- LP18 Improving Cycle Provision

7.0 **PLANNING COMMENTS**

7.0.1 The proposal seeks to construct 15 starter units with B2 (light industrial) use. 12 of the units will have a mezzanine floor and the scheme provides 40 parking spaces with cycle parking included. The units will be steel-framed and clad in grey. The lower area will be buff brickwork and the units will have roller shutter doors and basic facilities within. The existing access to the area of hard standing is to be used.

7.1 **Principle of Development**

7.1.1 The site is located within the Burwell development envelope and adjacent to the BUR2 employment allocation for B1/B2 use. The applicant sought pre-application advice and a positive response was provided. Beyond the site to the south-east is a further employment allocation (BUR3). It is therefore considered that the principle of development is deemed acceptable for such a proposal.

7.2 Residential Amenity

- 7.2.1 Due to the isolation from nearby residential units and considering the proximity of the adjacent industrial estate, it is considered that the residential amenity impact would be minimal. The Environmental Health department agrees with this stance and in order to safeguard the amenity of any nearby occupiers conditions will be utilised regarding construction times and lighting schemes. The proposal is considered to comply with the residential amenity aspects of LP (2015) Policy ENV2 and Submitted LP (2017) Policy LP22.

7.3 Visual Amenity

- 7.3.1 As the site is located within the Meadow View industrial estate and between two employment allocations, there would be a minimal visual impact arising from the scheme from the street-scene of Reach Road. There would be further reaching views from the west of the site but considering the allocation to the north and south (BUR2 & BUR3) of the site the proposed units are unlikely to have a significant negative impact on views into this industrial area of Burwell. BUR2, the allocation north of this site, has recently had outline approval for B1 uses (18/00155/OUM, 17/01094/OUM) and BUR3, the allocation to the south has had outline approval since 2014 (14/00046/OUM). The scale of the units are similar to those within the rest of the industrial estate. The 2.4m high palisade fencing that current surrounds the site is to be retained. The proposal is considered to comply with the visual character aspects of LP (2015) Policies ENV1 and ENV2 and Submitted LP (2017) Policies LP28 and LP22.

7.4 Highways

- 7.4.1 With regards to access and parking, the site has an existing entrance point which is to be retained and parking has been provided to meet the standards set within LP (2015) policy COM8 and Submitted LP (2017) policy LP17. The site plan also shows sufficient lorry turning space. The site has provided cycle spaces at a figure of 1 space per 50sqm, in line with the above policies. The site has an established use of container storage and heavy vehicle movements to and from the site exist at present. The Local Highways Authority have raised no concerns with the use of the site for B2 units, the utilisation of the existing access and any additional stress on the wider network. The proposal is considered to comply with LP (2015) Policies COM7 and COM8 and Submitted LP (2017) Policies LP22 and LP17.

7.5 Flood Risk and Drainage

- 7.5.1 The site is currently hard standing and thus a surface/foul water drainage strategy for the site was submitted. The Environment Agency have considered the proposed strategy and have raised no concerns. Furthermore, a flood risk assessment was submitted with the scheme (as is partially lies within FZ2) and no objections were raised. A permit will be required for the disposal of foul water from the site, the Environment Agency will carry out a full assessment of the drainage strategy at the time at which a permit is applied for. The proposal is considered to comply with LP (2015) Policy ENV8 and Submitted LP (2017) Policy LP25.

7.6 Other Material Matters

- 7.6.1 A contamination study has been submitted and further works are recommended. The Environmental Health (Scientific) officer has therefore recommended these works are secured by condition.
- 7.6.2 Local Plan Policy ENV4 and Submitted Local Plan Policy LP24 seeks to encourage reduced or zero carbon development in accordance with the zero carbon hierarchy' first maximising energy efficiency and then incorporating renewable or low carbon energy sources on site as far as practicable. The policy requires all non-domestic developments of 1000sqm or more to meet BREEAM Very Good standard or equivalent. An energy statement was submitted with the proposal to demonstrate the aim of reaching BREEAM 'Very Good' at building Regulations stage. Energy efficient lighting will be used throughout the units, as well as highly insulated building envelope to reduce the energy use throughout the year.
- 7.6.3 To the south of the site is a County Wildlife Site (CWS11). The application site is currently hard-standing and used by heavy goods vehicles for storage and manoeuvring. It is considered that the site presents very limited biodiversity potential and the redevelopment of the site is unlikely to have an impact on the biodiversity value of the site. A condition will be applied to the permission to ensure the development incorporates biodiversity measures, these enhancements will ensure the proposal complies with LP (2015) Policy ENV7 and Submitted LP (2017) Policy LP30.

7.7 Planning Balance

- 7.7.1 The site is located *within* the development envelope for Burwell, adjacent to an existing industrial estate and between two employment allocations. The principle of development is therefore considered acceptable. The proposed elevations are similar to other light industrial units within the district and their visual impact is likely to be minimal in such a setting. The popularity of these units has been proven elsewhere in the district and they would be a useful addition to the existing industrial estate. The existing access point for the site is being utilised, with existing boundary fencing to be retained. The drainage strategy proposed is acceptable and adequate flood risk mitigation is proposed. All other considerations have been addressed and the proposal's benefits outweigh the limited identified harm likely to arise from the scheme.

8.0 APPENDICES

- 8.1 List of Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00609/FUM	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555
95/00718/FUL	Ely	

00/00197/FUL
00/00271/FUL
01/01094/FUL

oli.haydon@eastca
mbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00609/FUM Conditions

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

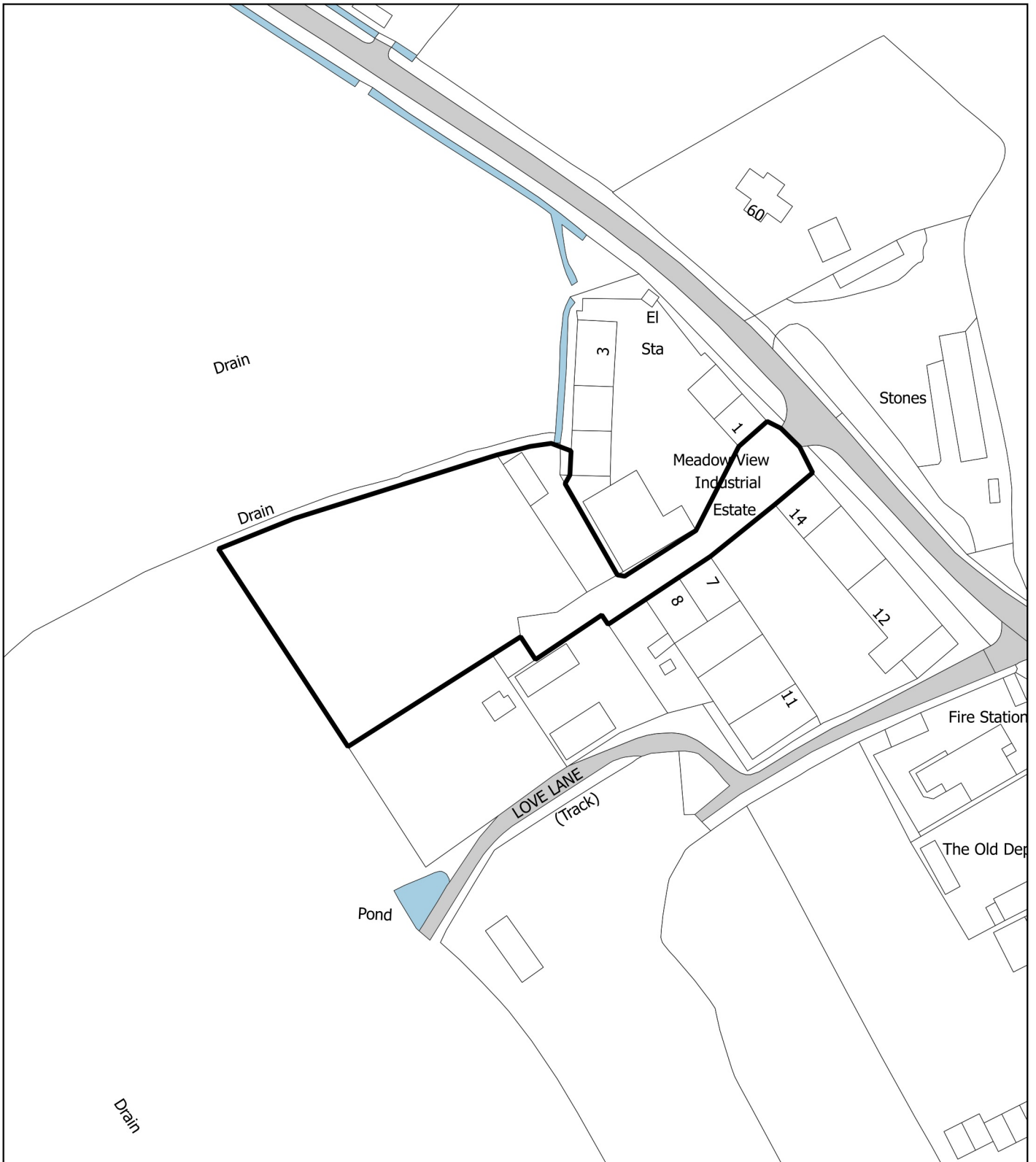
Plan Reference	Version No	Date Received
938-01		4th May 2018
938-02	A	20th June 2018
938-03		4th May 2018
938-04		4th May 2018
938-05		4th May 2018
938-06		4th May 2018
938-07		4th May 2018
ALS8086/200/01		4th May 2018
FRA		4th May 2018
CONTAMINATION REPORT		4th May 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces, including walls, roof, windows and doors, shall be as specified on the application form. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 The foul and surface water drainage scheme(s) as shown on Drawing C511/C/SK/01 (rev 0) prepared by Morrish Consulting Engineers shall be implemented prior to first occupation of any of the approved units.
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) within Section 4 of the report prepared by Morrish Consulting Engineers (dated April 2018).
- 5 Reason: To reduce the impacts/risk of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.

- 6 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 6 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 8 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.
- 8 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.

- 9 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 9 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 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 Prior to first occupation of any of the approved units, a scheme for any proposed lighting on the site shall be submitted to and approved in writing by the Local Planning Authority.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 12 Construction times, with the exception of fit-out, and deliveries during the construction phase are restricted to the following: 08:00 - 18:00 each day Monday - Friday, 08:00 - 13:00 on Saturdays and None on Sundays, Public or Bank Holidays
- 12 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.
- 13 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 13 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.
- 14 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.
A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within six months of first occupation of the site for written agreement by the Local Planning Authority.

- 14 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.



18/00609/FUM

Land rear of
Meadow View Industrial Estate
Reach Road
Burwell



East Cambridgeshire
District Council

Date: 19/09/2018
Scale: 1:1,500



© Crown copyright.
All rights reserved 100023279 (2017)

MAIN CASE

Reference No: 18/00748/FUL

Proposal: New dwelling and associated works

Site Address: 91 The Row Sutton Ely Cambridgeshire CB6 2PB

Applicant: Mr & Mrs Flitton

Case Officer: Oli Haydon, Planning Officer

Parish: Sutton

Ward: Sutton
Ward Councillor/s: Councillor Lorna Dupré
Councillor Lisa Stubbs

Date Received: 14 June 2018 **Expiry Date:** 4th October 2018
[T109]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below:

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Sample materials
- 4 Foul and Surface water drainage
- 5 Soft landscaping scheme
- 6 Boundary Treatments
- 7 Biodiversity Measures
- 8 Tree Protection Measures
- 9 Parking & turning
- 10 Access drainage
- 11 Obscure Glazing
- 12 Contaminated Land
- 13 Unexpected Contamination
- 14 Construction Times
- 15 Construction Environment Management Plan

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks consent for the construction of a 1.5 storey dwelling with single-storey element to the rear of 91 The Row, Sutton. The site would be

accessed via 'Sutton Footpath No.1' and utilise the large back garden belonging to the dwelling at 91.

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

2.3 Cllr Dupre requested the application be determined by the Planning Committee on the grounds of the principle of backland development on The Row, the intensification of traffic on the mixed use right of way, and the objections received from local residents.

3.0 **PLANNING HISTORY**

3.1

04/01223/OUT	Three building plots, new access road and associated works	Refused	01.12.2004
05/00835/OUT	Outline permission for two building plots, new access road and associated works	Refused	16.09.2005

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site (0.29ha) is located partially within the Development Envelope for Sutton, to the rear of the existing large dwelling at 91 The Row. The site is bordered by trees and forms part of the formal garden of 91. The Row forms the southernmost extend of the village of Sutton and along the western edge of the site lies Sutton Footpath #1 which extends southwards into the 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.

Asset Information Definitive Map Team –

- The access to the property is along the public footpath known as Sutton Footpath No. 1 which must remain open and unobstructed at all times. Building materials must not be stored on Public Right of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
- Sutton Footpath 1 must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Right of Way without lawful authority).

- No alteration to the Right of Way surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
- Members of the public on foot have the dominant right of passage along the public footpath; private vehicular users must 'give way' to them.

Local Highways Authority - No objections raised. "The D&A states that the host dwelling already solely uses the track to gain access to a parking area, even though there is a vehicle access and parking area at the front of the house. It states that as a result there would be no increase in traffic along the track. I would note that Land ownership and rights over this land is outside of the remit of this application and it might well be that this is the case. However I am unable to verify this claim but as there is an established access to the host property this statement is irrelevant to this application as each property will have its own vehicle access. The track has an existing vehicle access with the highway I do not know who has rights of passage over this land but there is room to accommodate two vehicles if some widening works are completed (ideally a min of 5m for the first 10m). This is not a Byway but a Footpath (no.1) so the general public does not have a right for vehicle access or use over this land. I would recommend that the CCC RoW team are consulted prior to the determination of this application".

CCC Growth & Development - No Comments Received

Waste Strategy (E CDC) - No objections subject to informatives.

Cambridge Ramblers Association - "The Group wishes to ensure that should the application be approved, there shall be no obstruction to walkers using adjacent Sutton Footpath 1, either during construction or after completion. The Ramblers Association wishes to minimise any potential conflict between users of the footpath and other traffic".

Senior Trees Officer - No objections raised subject to a condition ensuring the implementation of the tree protection measures.

Sutton Parish Council - Recommends refusal of the scheme on the grounds of impact on views, backland development, narrow access, poor visibility and impact on character of area.

Ward Councillors – Cllr Dupre wished for the application to be determined by the Planning Committee on the grounds of the principle of backland development on The Row, the intensification of traffic on the mixed use right of way, and the objections received from local residents.

5.2 **Neighbours** – Five neighbouring properties were notified, a site notice was posted and an advert was placed in the Cambridge Evening News and the four responses

received are summarised below. A full copy of the responses are available on the Council's website.

- Access track is regularly used by agricultural vehicles
- Footpath is well used by walkers
- Increase in vehicle movements along the track
- Historical inaccuracies in the reports
- Other forms of backland development along The Row differ from this application
- No benefits to the locality
- Backland development would disrupt environment and character of the area
- Impact on residential amenity
- Development would disrupt local ecology
- Loss of rustic environment if farm track usage increases
- Impact on foundations of 97 and 114 The Row
- Previous applications refused on the site
- Increase in parking on The Row
- Loss of trees

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2018

- 11 Making effective use of land
- 12 Achieving well-designed places
- 5 Delivering a sufficient supply of homes

- 2 Achieving sustainable development
- 4 Decision-making

6.4 Submitted Local Plan 2017

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

7.0 **PLANNING COMMENTS**

7.1 The main considerations with the application are the principle of development, visual impact, residential amenity, highways safety, trees and ecology.

7.1 **Principle of Development**

7.1.1 The proposal is for a one-and-a-half-storey dwelling in the large rear garden/field behind 91 The Row, Sutton. The dwelling at its highest point would be 6.4m and the design is that of a converted agricultural building in black timber boarding and a mix of pantile and slate roofing. The dwelling is located within the settlement envelope for Sutton, although the garden would be beyond this.

7.1.2 There have been two refusals on the site for a number of dwellings with subsequent appeals dismissed. The conclusions of the appeals were that a scheme to the rear of the dwelling at 91 would contravene the pattern of development along The Row and cause harm to the character of the area. The issues of residential amenity through increased traffic were not upheld at appeal.

7.1.3 The dwelling is located within the development envelope for Sutton, although the remainder of the residential plot lies outside. The Local Planning Authority is not able to demonstrate that it has an adequate five year supply of land for housing. Therefore, 2015 Local Plan policy GROWTH 2 and 2017 Submitted Local Plan Policy LP3 relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits taking account of the NPPF as a whole.

7.1.4 As the site is located in close proximity to the services and facilities on offer in the village and the wider transport links that are provided, the principle of residential development is considered acceptable. The issue of backland development and character of the area will be discussed in section 7.3 (Visual Amenity).

7.2 Residential Amenity

- 7.2.1 Local Plan (2015) Policy ENV2 and Submitted Local Plan (2017) Policy LP22 seek to ensure that development proposals have no significantly detrimental effect on the residential amenity of nearby occupiers. The proposed dwelling, and resulting parent plot size and garden size meet the requirements laid out in the SPD Design Guide 2012. The dwelling would be located 20.5m from the host dwelling at 91, with no proposed windows facing onto this northern boundary (aside from two rooflights serving a hallway). It is considered that the separation distance is sufficient to avoid a harmful overbearing impact on the host dwelling and the lack of directly overlooking windows ensures a minimal loss of privacy for the applicant or future resident of the proposal. No overlooking windows are proposed to the east, into the rear garden of 87 and 89 The Row and the western-facing window, overlooking the footpath and garden of 97 The Row, serves a bathroom and will be obscurely-glazed.
- 7.2.2 In order to protect residential amenity during construction, a construction environment management plan will be secured by condition to ensure vehicles are not using the adjacent footpath for storage of materials or parking. Furthermore, construction hours will be limited by condition to further protect residential amenity. The usage of the track is currently mainly agricultural vehicles and pedestrians and the amenity impact of introducing the movements associated with a modest single dwelling is not considered harmful.
- 7.2.3 It is considered that the dwelling is sufficiently separated from the neighbouring dwellings to avoid any privacy impingement or overbearing, and the use of the footpath to access the dwelling is unlikely to harm the residential amenity of nearby residents. The proposal is considered to broadly comply with ENV2 (2015 LP) and LP22 (2017 Submitted LP) as it would adequately protect the amenity of nearby residents.

7.3 Visual Amenity

- 7.3.1 The Row forms the southernmost edge of Sutton, with the high ridge that the village rests on falling away into open countryside beyond. The Row is characterised by punctuations into this sloping rural edge. The interruptions in the linear form of development generally comprise agricultural operations and tracks leading to paddocks and open countryside beyond; on some occasions this form of development stretches as far as 250m beyond The Row. One such punctuation is present immediately west of the application site; the track runs between 91 and 97 to a light industrial operation 120m beyond these dwellings. The track also forms a footpath used by pedestrians accessing the open countryside beyond.
- 7.3.2 A site to the east is subject of a recent approval for a detached dwelling (16/00320/OUT) where it was stated that “A precedent has been set for back-land development along The Row, comprising residential dwellings and other types of built form to the rear of the dwellings which front the public highway. Similarly to the existing examples of back-land development which are already present, a dwelling could be accommodated to the rear of the No.39 The Row without creating a significant impact upon the character and appearance of the area due to its set back

distance and significant screening provided by the host dwelling”. It is considered that the same assumptions can be made in this case, to support the presence of a dwelling to the rear of Number 91. The SPD Design Guide requires applications for back-land development to be accompanied by an analysis of the nearby context. This analysis was submitted with the application and further supports the overall acceptability of a dwelling on this plot.

- 7.3.3 The proposed dwelling is low in height and will not be visible from the street-scene of The Row. The dwelling would have a relatively agricultural aesthetic and would appear so to users of the footpath alongside the site. Many of the existing trees within the site are being retained which further assimilates the proposal into its peri-urban surroundings; this will be emphasised by securing the submission of a soft-landscaping and boundary treatment scheme by condition. The dwelling is positioned 20.5m from the rear elevation of the dwelling at 91 The Row and does not appear cramped or contrived in its surroundings. The dwelling is of a high quality design and minimal visual impact on its surroundings in the form of overly urban boundary treatments or design elements. The Trees Officer reviewed the plans and is satisfied that the removal of the tree within the site will not form a harmful landscape impact. It is considered that the proposal would avoid significant and demonstrable harm to the character and appearance of the area and would avoid contravention of Policies ENV1 & ENV2 of the 2015 Local Plan and LP28 & LP22 of the 2017 Submitted Local Plan.

7.4 Highways

- 7.4.1 The proposal would be accessed via an existing track outside of the control of the Local Highways Authority. Subsequently, the LHA have raised no objections to the scheme but requested that the County Rights of Way officer were informed of the scheme. At the previously dismissed appeals on the site, the conflict between vehicular users of the track and pedestrians was not considered harmful and as the track is currently used for agricultural traffic and visitors to the industrial operations beyond the site, the presence of one dwelling’s worth of domestic traffic would not constitute a significantly harmful change or conflict with pedestrians. The County Council Rights of Way department provided several comments relating to the use of the footpath for the dwelling’s access. The 1980 Highways Act ensures that the footpath must remain open and unobstructed at all times and that building materials must not be stored on the surface or contractors’ vehicles must not be parked on it. Furthermore, the footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so. No alteration to the Right of Way surface is permitted without the RoW department’s consent and the granting of planning permission does not entitle a developer to obstruct a Public Right of Way. Considering that the use of the footpath falls under the remit of the County Council and is a matter for the landowner to resolve prior to accessing the property, the proposal is deemed compliant with Policy COM7 of the 2015 Local Plan and LP17 of the 2017 Submitted Local Plan.
- 7.4.2 Sufficient parking and turning is provided within the site in the form of a carport and driveway parking space. The proposed layout results in a compliance with Policy COM8 of the 2015 Local Plan and LP17 & LP22 of the 2017 Submitted Local Plan. The host dwelling retains its parking and turning arrangement, remaining compliant with the relevant policy.

7.5 Ecology & Trees

- 7.5.1 The application was accompanied by a site-specific ecological appraisal to determine the likely ecological constraints associated with a proposal to build a new residential dwelling on part of the garden. The survey found that habitat loss would be restricted to amenity grassland and shrub. The potentially impacted species were limited to nesting birds and the presence of a Great Crested Newt in a pond 30m to the south of the site. Further surveys were not recommended and the report makes several recommendations for biodiversity mitigation and improvement measures, which will be secured by condition.
- 7.5.2 The site contains a number of mature trees and hedgerow and an arboricultural impact assessment was submitted with the proposal, along with a trees constraints plan and protection plan. The Trees Officer visited the site and has raised no concerns to the proposed removal of the trees on site, which is limited in its extent (to two Cat C trees and one Cat B tree), with many of the trees in the garden being retained along with the established boundary hedging. A landscaping scheme shall be secured by condition as will a condition ensuring adequate tree protection measures are adhered to.
- 7.5.3 The proposal will result in an acceptable impact on the surrounding biodiversity and trees within the site and conditions will be utilised to ensure no further harm arises throughout the timeline of the development. The proposal is considered compliant with Policy ENV7 of the 2015 Local Plan and LP30 of the 2017 Submitted Local Plan.

7.6 Flood Risk and Drainage

- 7.6.1 2015 Local Plan Policy ENV8 and 2017 Submitted Local Plan Policy LP25 requires all new applications to demonstrate that appropriate drainage arrangements can be accommodated within the site. A scheme to deal with foul and surface water can be secured by way of condition. The site is within Flood Zone 1 where all residential development should be steered and thus a flood risk assessment would not be required.

7.7 Other Material Matters

- 7.7.1 A condition relating to contamination due to the sensitive residential end use will be utilised to ensure compliance with Policies ENV9 (2015 Local Plan) and LP26 (2017 Submitted Local Plan).

7.8 Planning Balance

- 7.8.1 The proposal represents a sustainable form of development on the edge of the settlement of Sutton. The scheme would provide an additional dwelling, built to modern, sustainable building standards and there would be a positive contribution to the local and wider economy in the short term through construction work. The dwelling is of a design that is sympathetic to the edge-of-settlement location and the visual principle of a dwelling to the rear of the dwelling fronting The Row has been considered acceptable through an analysis of the nearby context and planning

history. The proposal avoids any significant harm to the nearby residents along The Row and the use of the footpath for the dwelling's access is a private matter between the applicant, landowner and County Council, with the Local Highway Authority raising no objections to the scheme. Whilst there will be an increased conflict between vehicles and pedestrians using the footpath, on balance, the benefits of the scheme are considered to outweigh this level of harm caused and the application is recommended for approval.

8.0 **APPENDICES**

8.1 List of recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00748/FUL	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555 oli.haydon@eastca mbs.gov.uk
04/01223/OUT 05/00835/OUT	Ely	

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00748/FUL Conditions

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

Plan Reference	Version No	Date Received
PL-0-01	A	14th June 2018
PL-0-02	A	4th June 2018
PL-1-01	F	4th June 2018
PL-2-01	E	4th June 2018
PL-3-01	C	14th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the walls, roof, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins..
- 5 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be

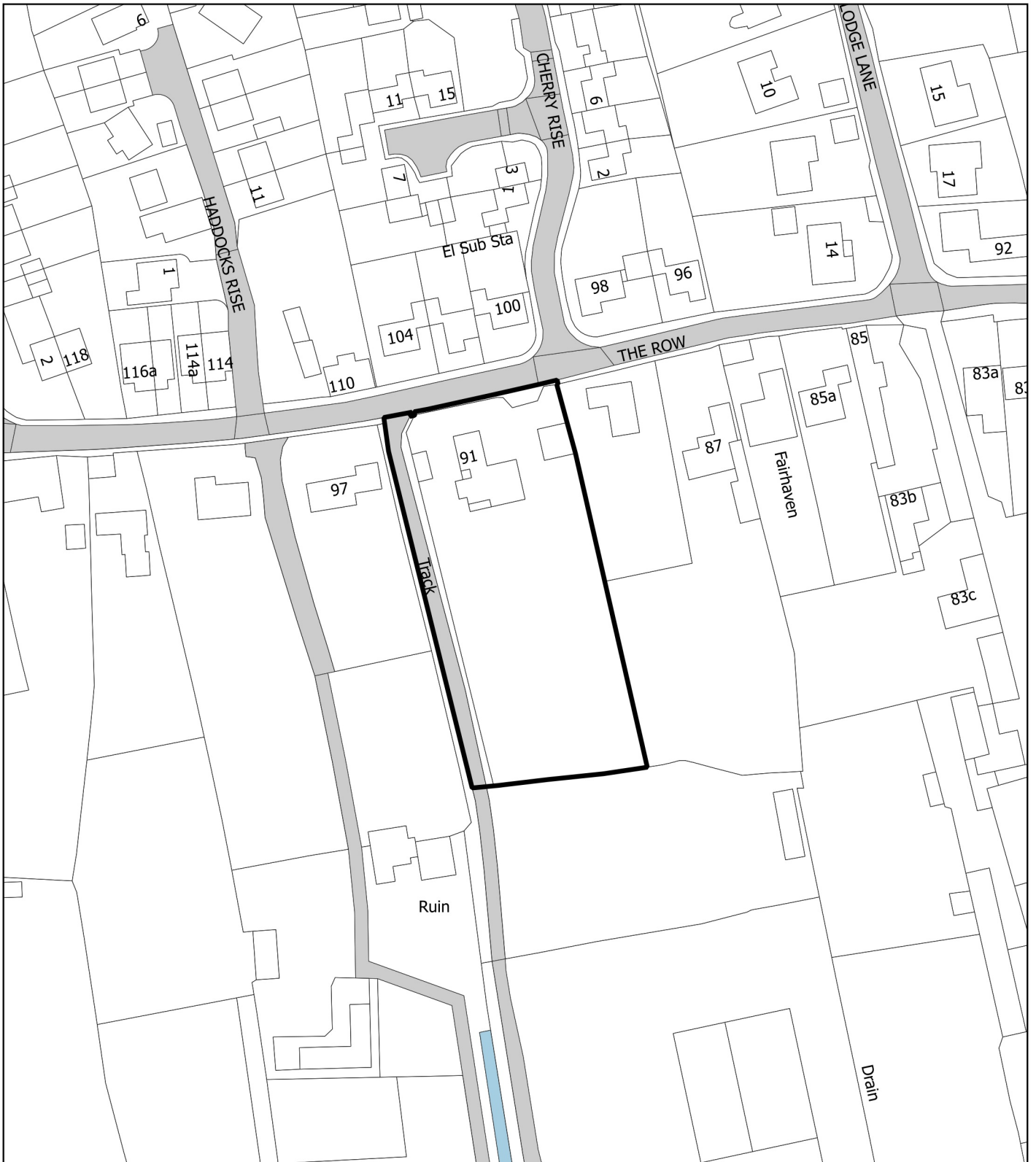
planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 6 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the dwelling.
- 6 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.
- 7 The biodiversity improvements stated in Section 4 of the Applied Ecology 'Preliminary Ecological Appraisal' (dated June 2018) shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 7 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.
- 8 The tree protection measures as shown on Argenta Tree Protection Plan shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered
- 8 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 9 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 9 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 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 first-floor window in the western elevation shall be obscurely-glazed and remain so in perpetuity.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 12 No development shall take place 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.
- 12 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.
- 13 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.
- 13 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.

- 14 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 8:00-18:00; each day Monday-Friday, 08:00-13:00 Saturdays and none on Sundays, Public or Bank Holidays.
- 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.
- 15 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.
- 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.



18/00748/FUL

91 The Row
Sutton



East Cambridgeshire
District Council

Date: 19/09/2018
Scale: 1:1,250



© Crown copyright.
All rights reserved 100023279 (2017)

MAIN CASE

Reference No: 18/00803/FUM

Proposal: The erection of 24 dwellings with access from Bury Lane, including affordable housing, open space, children's play area, drainage basin and associated infrastructure

Site Address: Land At Bury Lane Haddenham Cambridgeshire

Applicant: Laragh Homes Developments Ltd

Case Officer: Barbara Greengrass, Planning Team Leader

Parish: Haddenham

Ward: Haddenham

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

Date Received: 12 June 2018

Expiry Date: 5 October 2018

[T110]

1.0 RECOMMENDATION

1.1 Members are requested that APPROVAL be delegated to the Planning Manager following the completion of a S106 legal agreement and the following draft conditions (with any minor revisions delegated to the Planning Manager). The planning conditions can be read in full on the attached appendix 1.

- 1 Approved plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Site Characterisation
- 4 Submission of remediation scheme
- 5 Implement of approved remediation scheme
- 6 Reporting of unexpected contamination
- 7 Construction times
- 8 Construction Environmental Management Plan
- 9 Sample materials
- 10 Estate road construction
- 11 Access drainage
- 12 Standard Estate Road
- 13 Archaeological Investigation
- 14 Soft landscaping scheme
- 15 Hard landscaping scheme
- 16 Landscaping maintenance

- 17 Boundary treatments
- 18 Tree protection
- 19 No pruning/cutting or felling/removal
- 20 Sustainable development - Full
- 21 Fire hydrants
- 22 Ecology mitigation
- 23 Car parking
- 24 Visibility splays
- 25 Surface water drainage

The s106 will secure the following;

- 30% affordable housing
- Education contributions
- Provision of POS and Suds system together with transfer to the Council and contributions for the long term maintenance.
- Contribution for wheelie bins

2.0 SUMMARY OF APPLICATION

- 2.1 This full application proposes the erection of 24 dwellings with access from Bury Lane and provision of 30% affordable housing, public open space and SuDs drainage. The dwellings are located to the southern end of the site with the open space, and SuDs to the far north west. It comprises a mixture of single storey, one and half storey and two storey dwellings with an open space of 1.48 ha (3.6 acres) and a developed area of 1.31 ha (3.2 acres). This equates to a density of approx. 18 dwellings per hectare.
- 2.2 A previous application for 30 dwellings was refused by the Local Planning Authority on 19 October 2017, for three reasons, unjustified development in the countryside, harm to the character and appearance of the countryside and the Conservation Area and highway safety issues.
- 2.3 The following amendments have been made to the scheme:-
- The previous scheme incorporated the developed area of 1.57 ha, but this has been reduced to 1.31 Ha, and conversely the Green Space increased from 1.21 ha to 1.48ha. The previous scheme had a density for the 30 units of 19.1 units/ha. In comparison the proposed scheme has 24 units of 18.3 units/ha, together with an enlarged Green Space.
 - The configuration to the scheme layout has also changed reducing the number of two storey dwellings in the revised mix, with only 6 two storey dwellings, whereas the previous scheme had 16 two storey dwellings. The remainder are either bungalows or one and a half storeys in height.
 - Plot 1 and 2 have been amended to provide a greater set back and retain the established hedge on the site frontage.

- Two storeys previously proposed, where located towards the middle of the development with roof ridge heights of between 8 and 9.25 metres have been replaced with lower development and fewer dwellings. This is complimented by considerable planting through the site, in what is a very low density development.
- The depth of the site has been reduced so that it relates much more closely with the established village boundary with plot 18 (now a bungalow rather than a two storey dwelling) aligning broadly with the rear curtilage of the Bury Lane properties to the north.

2.4 During the course of consideration of this application, the open space area has been rearranged to relocate the pond and the play area.

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

2.6 The application has been called to Planning Committee by Councillor Cheetham as he objects to the residential development of the site for the reasons set out in his comments.

3.0 **PLANNING HISTORY**

3.1

17/01107/FUM	The erection of 30 dwellings with access from Bury Lane, including affordable housing, open space, children's play area and drainage basin.	Refused Appeal lodged. Inspector's decision awaited.	17.10.2017
--------------	---	--	------------

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site is agricultural land of some 2.79 ha (6.89 acres) currently in use for the keeping of horses and is well enclosed with hedgerows on all boundaries but only sparsely on the eastern boundary where it is bounded by residential properties fronting Aldreth Road. To the west and south lies open agricultural land and along the northern boundary, the site abuts Bury Lane which leads to a drove accessing the agricultural land beyond. The land rises significantly from the low lying agricultural fens to the north west up to Aldreth Road, which sits at a much higher level allowing views down and out across the field from the top of Bury Lane. To the north of the site lies footpath 110/8, which runs along the backs of the houses and rises up to the cemetery to the north, providing a very pleasing rural walk. The properties in the distance to the north are visible.

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.

CPRE – CPRE objects to this application.

1. The site is outside the village envelope.
2. Aldreth Road is characterized by individual dwellings interspersed and backed by open spaces. The erection of 24 dwellings extending behind Aldreth Road building line, would fill in one of these open spaces and markedly affect the appearance of Bury Lane and the character of Aldreth Road.
3. Site is part of the agricultural scenery of this part of Haddenham, especially when viewed from the higher levels of the 'Bowl'.
4. Haddenham has a rich archaeological history.
5. It is noted that the draft Local Plan already indicates three areas allocated for housing.
6. In the Additional Site Suggestions Report there are three sites being offered for development.

Lead Local Flood Authority – 18/09/18 - Following the submission of additional information, the applicant has addressed our previous queries and we are therefore able to remove our objection subject to conditions.

Document reviewed: • Flood Risk Assessment & Drainage Strategy, MLM Group, ref: 619581-MLM-ZZ-XX-RP-C-0001 revision 04, dated 11th September 2018

The above document demonstrates that surface water from the proposed development can be managed through the use of a SuDS system which includes a piped system connecting to a swale and attenuation basin. The system finally discharges surface water to an ordinary watercourse in the northernmost corner of the site. The surface water discharge rate is restricted to 1.9l/s for all storm events (1%, 3.3% and 100% Annual Exceedance Probability (AEP)) including a climate change allowance. This discharge rate is equivalent to the greenfield 50% AEP rate (i.e. the 1 in 2 year storm also known as QBAR).

We note that the proposed basin is an 'online' connected feature, and although it is unlikely to contain water permanently if landscaped correctly, it will contain water after/during most rainfall events (as demonstrated in the 'typical section through the attenuations basin' within the above referenced document).

07/09/18 - We have reviewed the following documents:

• Flood Risk Assessment & Drainage Strategy, MLM Group, ref: 619581-MLM-ZZ-XX-RP-C-0001 revision 03, dated 14th August 2018

Our objection to the grant of planning permission remains for the following reasons:

1. As previously noted, the calculations submitted do not cover the range of storm durations required. Calculations to show the performance of the system for a range of summer and winter storm durations from 15 minutes up to the 10080 minute (7 day) should be undertaken.
2. We require clarification regarding the hydraulic modelling methods used; particularly the use of weir manhole and looped pipes.

Initial response – 11/07/2018 Object to the grant of planning permission for the following reasons:

1. Calculations submitted do not cover the range of storm durations required. Calculations to show the performance of the system for a range of summer and winter storm durations from 15 minutes up to the 10080 minute (7 day) should be undertaken.

For the critical 3.3% annual exceedance probability (AEP) rainfall event there should be no above ground flooding; and for the 1% AEP rainfall event including an allowance for the climate change some short term above ground flooding may be permitted. Flood water should be managed to be safe and not enter any buildings or disrupt emergency access routes.

Local Highways Authority – 17/07/2018 - The highways authority has no objections. The shared use areas abutting properties 12 -17 to 21 -18 and the shared area for properties 10 – 6 are not to an adoptable standard and the highways would not seek to adopt these areas. Adoptable shared use areas should be 6m wide with 2 x 0.5m maintenance strips. There should also be a section of footway at the start/top of the shared use areas, with adequate vehicle turning.

The highways authority does not adopt SUDs, POS, areas of surface water filtration or attenuation and the highways surface water must discharge in to either an Anglian Water system or an area adopted by a council.

12/09/2018 – To clarify previous comments on the internal road layout. Refuge vehicles will be able to complete all the necessary manoeuvres in order to enter, turn and leave the site in forwards gear whilst being completing within the shown road/s. However shared use area are not laid out to a standard that meet the Highways Authority requirements.

Design Out Crime Officers – 22/06/2018 - It is considered to be an area of low to medium risk to the vulnerability to crime. While it appears to be an acceptable layout in terms of Crime and Prevention and Community Safety – the officer would like to see the proposed external lighting plan when it's available. It's recommended that all adopted and un-adopted roads and parking areas are lit with column lights designed to BS5489:1 2013.

05/09/2018 – The Officer is happy to support the amendments that concern design and layout and have no further comments at this stage.

Cambridgeshire Archaeology – 28/06/18 - The site lies in an area of high archaeological potential. The document Archaeological Evaluation Report submitted is actually a desk based assessment and does not constitute sufficient information in support of the application. As the assessment is a document research exercise it does not inform on the condition, character, nature, date range, extent and significance of the archaeological assets within the application area. Whilst the available evidence does not preclude development from proceeding in this location, we would recommend that the site should be subject to an archaeological field evaluation.

23/08/2018 – The amendments received do not affect the advice previously issued by the department on 28/06/2018.

CCC Growth & Development – No comments received.

Cambridgeshire Fire And Rescue Service – The fire Authority would ask that adequate provision be made for fire hydrants and the cost will be recovered from the developer, where a Section 106 agreement or a planning condition is in place.

Cambridgeshire County Council Education – In September 2017, 30 hours funding were introduced for 3 and 4 year olds, increasing demand and creating 138 places above the current capacity of 65. Therefore it is necessary to seek contributions to mitigate this development.

There are forecast to be, 4 primary-aged children and 3 secondary-aged pupils generated by this development. There are also a number of other developments emerging in and around the area, which combined will generate additional school children. Developments will generate an additional 27 primary-aged children, hence additional capacity will be required. By 2020/21 there will be a shortfall of places for secondary school places and this development contributes towards that. Contributions sought for early years, £27,693, primary £68,000 and secondary £74,001.

Senior Trees Officer – The site has a number of trees and hedgerows within the site boundaries potentially affected. A hedgerow requires removal near the site access point. An arboricultural report has been submitted to support the application.

The officer has no objection to the proposal as the impact upon existing trees is minimal when in context of the site and the proposed landscaping of the proposal provides sufficient mitigation in terms of tree planting. Points for consideration were offered in regards to the landscaping.

Environmental Health 26/06/2018 (Technical) - Due to the proposed number of dwellings construction times and deliveries during the construction phase are restricted to the following:

08:00 – 18:00 each day Monday – Friday
08:00 – 13:00 on Saturdays and

None on Sundays or Bank Holidays

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 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).

12/07/2018 (Scientific) - Comments from 07/08/2017 still stand. I have read the Phase 1 Geo-Environmental Desk Study prepared by EPS dated 20th June 2017 supplied with the application. The report concludes that the site is at low risk from chemical contamination having previously been in use as farm land. However, there is anecdotal evidence of anthrax burials at the site as referred to in the neighbour response from Mrs Jenny Manning dated 26th July 2017 and others. This has not been considered in the EPS report. Anthrax spores can pose a risk to human health and it is believed that they can survive in the soil for many years. Therefore, the possibility of anthrax contamination would need to be considered before development of the site. I recommend that standard contaminated land conditions 1, 2, 3 and 4 are attached to any grant of planning consent.

23/08/2018 (Technical) - No additional comments to make at this time.

28/08/2018 (Technical) – The noise assessment for the pumping station is satisfactory. Based upon the noise levels indicated, noise should not be a problem at the existing dwellings or future potential dwellings on the development.

Housing Section – Development proposals of 11 or more dwellings should provide 30% affordable housing except in Soham and Littleport where it is set at 20%. Developers will be encouraged to bring forward proposals which will secure the market and affordable housing mix as recommended by the most up to date SHMA which is 77% rented and 23% intermediate housing. The exact mix of affordable property types should be agreed with the council on a site by site basis.

The property types proposed are acceptable but the tenure mix is not.

Parks And Open Space - No Comments Received

Waste Strategy (ECDC) – The waste team would like confirmation that all roads will be adopted, as it suggests roads leading to 4 to 9 and 13 to 21 will not be adopted. East Cambs District Council will not enter private property to collect waste or recycling and it is responsibility of the owners/residents to take any sacks/bins to the public highway. The development must comply with RECAP. Each new property requires two bins, the contribution is currently set at £43 per property.

The Ely Group Of Internal Drainage Board - No Comments Received

Anglian Water Services Ltd – The foul drainage from this development is in the catchment of Haddenham Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows via a pumped discharge regime.

The surface water strategy/flood risk assessment submitted with the application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, confirmation of the intended manhole connection point and discharge rate proposed are required, before a connection to the public surface water sewer is permitted.

Environment Agency – Advise that there are no Environment Agency constraints for the above proposal/site and therefore no comments to make.

Conservation Officer - No Comments Received

Parish – 07/09/2018 – The Council continues to recommend outright refusal and would like to return the following comments.

“The Parish Council has many serious concerns surrounding the proposed development. The site sits in open countryside and, contrary to Policy Growth 2 of the East Cambridgeshire Local Plan 2015 and Policy LP 3 of the emerging Local Plan 2017, there is no justification to override the usual presumption of refusal of such applications.

The Local Plan policy ENV 2 states that the design must not have a detrimental effect on neighbours. This proposal would have a significant detrimental effect upon the residential properties along this part of Aldreth Road. Some properties would suffer from much reduced natural light as the development sits so close to these houses which already have small rear gardens.

Another concern is the significant detrimental visual impact it would have on the view from and over Hillrow, which is a designated Conservation area, the historic and valuable views should be preserved. The unique view across the fen edge here is dominated by the ridge and furrow landscape left behind from 100's of years of agriculture. Part of the proposed development will sit upon ridge and furrow land, taking it away forever. The land is surrounded by ancient hedgerows which sustain a variety of wildlife, the hedgerows, along with the wildlife would be lost if the proposal goes ahead. Demonstrable harm will be done to the countryside if this application is given approval.

The Local Plan policy ENV1 states that development proposals should have a location, scale and form which creates a positive and complementary relationship with the surrounding unspoilt rural area, this proposal does not adhere to those conditions. Furthermore, the proposal would not preserve or enhance the character and appearance of the Conservation Area contrary to Policy ENV11 of the East Cambridgeshire Local Plan 2015 and Policy LP 27 of the emerging Local Plan. There is a concern that a precedent would be set for further building along the back of Aldreth Road towards both Aldreth and the end of Newtown Road. This would spoil the linear nature of the village which should be preserved.

An ancient hedgerow and diverse habitat would be lost as a direct result of this application. The new NPPF states in para 175, clause C. that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.

The Visual Impact Assessment is riddled with errors, proving the author is not familiar with the area, and the photos included have all been taken from carefully selected points that limit the visual impact. The Parish Council would recommend this document be re-submitted with more accurate information.

The amended layout appears to demonstrate thinning of the landscaping around the boundaries of the site and the Parish Council would question the reasoning behind this?

There has been some improvement to the roadways within the development in this application but the width of some of the roads is concerning as they do not appear to be of adoptable standards. Unadopted roads would cause a major problem especially with reference to the weekly refuse collection and therefore the Parish Council would expect all roads to be of adoptable standards.

The access to the site sits directly opposite a driveway which is set at such an angle that the residents have no choice but to cross the centre of the road to make the turn. This would cause a considerable hazard with the significant increase in traffic that a development would bring.

The gradient of the roadway is also a concern, at points it is 1:3, during icy weather the area requires frequent gritting, how would provision for this be made? It should also be noted that the driveway serving plot 1 now meets Bury Lane at the exact point where the roadway is at its steepest. It is also sited very close to the junction with Aldreth Road.

Concerns around the drainage of the land exist and whether the Pond would be of a sufficient size for the scale of the development?

Infrastructure in the village is a concern, the school for example is aware and is planning for places for children from the 150 homes Haddenham had been allocated to build. To add more to this number would be too much growth, too fast for a village primary school.

The proposal sits outside the development envelope as described in the emerging Local Plan 2017. The Parish Council worked with the District Council to select suitable sites for c150 homes within the village and this site was rejected at the first consultation. Haddenham can demonstrate adequate housing supply elsewhere on sites included in the emerging Local Plan 2017, this site is simply not appropriate, it is damaging and not required. Houses are currently being built in the Parish at Rowan Close, a planning application for 54 homes at the CLT site at West End has been approved as has an outline plan for 34 homes off Chewells Lane all of which are designated sites in the emerging Local Plan. Allowing this application seriously undermines the Local Plan and the work put into developing it.

This site was considered by Haddenham CLT and has therefore been subjected to much deeper scrutiny than other applications. HCLT deemed the site unsuitable for many of the reasons stated above. The site was not included in the emerging Local Plan; approving an application on it now seriously undermines the work done to identify suitable housing land supply within the Parish.

As a final point, it should be noted that there is a strong local rumour that circa 1935 a significant number of anthrax infected livestock were buried on this land. Although no records exist, it is a commonly accepted fact locally and it is thought to be the reason behind the name of the road changing from "Berry Lane" to "Bury Lane."

19/07/2018 – The Parish Council recommends outright refusal and returns the following comments.

1. The site sits in the open countryside and is contrary to Policy in the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2017.
2. The proposal would have a significant detrimental effect upon the residential properties along part of Aldreth Road. Some properties would suffer from reduced natural light.
3. The detrimental visual impact it would have on the views. Additionally the view from and over Hillrow, which is a designated Conservation Area, this historic and valuable views should be preserved.
4. The land is surrounded by ancient hedgerows which sustain wildlife.
5. The proposal would not preserve or enhance the character of the area and would set a precedent for further building along the back of Aldreth Road, spoiling the linear nature of the village.
6. The width and gradient of the road is a concern, especially during bad weather. Additionally access to the site is opposite a driveway, which would cause harm with the increase in traffic.
7. Concerns around the drainage of the land whether the Pond would be a sufficient size for the scale of the development.
8. Infrastructure in the village is of concern.
9. The proposal is outside the development envelope, adequate sites have been put forward for development within Haddenham. This site is not appropriate and is damaging, it will also undermine the Local Plan.
10. The site was considered by Haddenham CLT and has therefore been subjected too much deeper scrutiny than other applications. HCLT deemed the site unsuitable.
11. The site is rumored to be where significant numbers of anthrax infected livestock were buried on this land.

Ward Councillors (Cllr Steve Cheetham) – The Ward Councillor offers a formal objection.

1. The proposed houses would sit outside of the development envelope or Haddenham.
2. The proposed is contrary to Policy ENV1 of the East Cambridgeshire Local Plan 2015.
3. The development would dramatically impact the views.
4. The design would have significantly detrimental impacts on residential amenity.
5. The information for Haddenham in the Submitted Local Plan 2017 should be taken in to consideration.
6. The streetscene in regards to back fill has remained unchanged for centuries.
7. The Haddenham Drainage Board has not been consulted who's responsibility this area is.
8. The issues raised by County Council Highways Authority have not been addressed.
9. The extreme concern around the safety of the drainage pond proposed.
10. The landscape quality from the corner of Bury Lane and Aldreth Road will be irreversibly damaged.

Technical Officer Access – Preferred a path throughout rather than shared surfaces. The footpaths need to be firm, level and slip resistant. Step free access is needed for the dwellings, doors to bathrooms should open out and good general lighting is needed throughout the site.

5.2 **Neighbours** – A site notice was posted and advertisement placed in the Cambridge Evening News. 49 neighbouring properties were notified and 28 the responses received are summarised below. A full copy of the responses are available on the Council's website.

- The development will lead to a loss of open views, changing the character of the ridge position.
- The visual impact of the development will harm the character and setting of Haddenham.
- The site has already been refused planning permission.
- The site access it to narrow, steep and dangerous for traffic.
- Lead to the loss of ancient hedgerows.
- Biodiversity should be protected, including buzzards and muntjac deer.

- The area is subject to flooding and the impact of climate change on flooding in the future is not handled.
- The services are already overwhelmed, including doctor's surgery and schools.
- Anthrax contaminated land.
- Advocates back land development.
- Does not conform to Local Plan and NPPF.
- Increases stress on waste water pump.
- Loss of public footpath.
- Uninspiring house design.
- Pollution, including noise, air and light.
- Effect the setting of the conservation area.
- Development encroaching on countryside and Greenfield site.
- Overbearing and out of scale.
- Loss of privacy for existing dwellings.
- Lack of affordable housing.
- There is archaeological and historical interest.
- Lack of employment growth in Haddenham.
- Incomplete ecology impact assessment report.
- The development would be vulnerable to local crime.
- Outside the development envelope.
- Height of the dwellings are introducing a suburban skyline.
- Highways deemed Bury Road junction unsuitable.
- Increase fly tipping.
- Impact trees.
- Maintenance of greenspace.
- Increase traffic and congestion on Aldreth Road.
- Suitable drainage basin.
- Need to reduce travel by road.
- Visual impact report is inaccurate.
- Lack of parking on the plans, it would increase on road parking.

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
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk

- ENV 9 Pollution
- ENV 11 Conservation Areas
- ENV 14 Sites of archaeological interest
- COM 7 Transport impact
- COM 8 Parking provision

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2018

- 9 Promoting sustainable transport
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well designed places
- 8 Promoting healthy and safe communities
- 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 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
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network

6.5 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

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

- The principle of development

- Visual impact
- Housing mix and affordable housing
- Layout and public open space
- Residential amenity
- Access and highway safety
- Flood risk and drainage
- Trees, ecology, and archaeology

7.2 Principle of Development

- 7.2.1 At the heart of the National Planning Policy Framework 2018 is a presumption in favour of sustainable development. It specifically states at paragraph 11, that local planning authorities should normally approve planning applications for new development that accord with an up-to-date development plan or, where there are no relevant development plan policies, or the policies most important for determining the application are out of date, granting permission unless: specific protections apply; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 7.2.2 At the present time the policies most important for determining this application are out-of-date as the planning authority cannot demonstrate a five year supply of deliverable housing sites, as set out in paragraph 73 of the Framework. Therefore this application must be determined in accordance with the above paragraph.
- 7.2.3 The adopted Local Plan aspires to deliver managed and sustainable growth over the plan period to 2036. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs. In doing so, the Plan identifies those rural settlements where some new development within defined settlements will in principle be appropriate. These settlements are the subject of Vision Statements which set out the growth aspirations for each one.
- 7.2.4 Policy GROWTH2 requires that development be permitted only within defined development boundaries and restricted within the countryside to dwellings with certain exceptions. This site lies outside of the defined settlement boundary of Haddenham although it does adjoin the settlement boundary along the length of its eastern boundary and along part of the northern boundary. Haddenham is identified within the East Cambridgeshire Local Plan 2015 as being a large village with a reasonable level of services, including a post office, several shops, a library, primary school, two public houses, a village hall, sports and social club and a doctor's surgery.
- 7.2.5 Given the site's proximity to the established settlement boundary, the level of goods and services on offer in Haddenham and its designation as a large village in the settlement hierarchy, it is considered that the site is in a sustainable location. In accordance with the NPPF planning permission should therefore be granted unless any adverse effects of so doing, would significantly and demonstrably outweigh the benefits of the development. The other material planning considerations will be assessed in turn in the remainder of this report.

7.2.6 This provision of 24 dwellings would add to the District's housing stock and make a significant contribution towards the shortfall in housing supply with the provision of any additional dwellings attracting significant weight in the planning balance. The scheme will also include the provision of 30% affordable housing, which should also be given significant weight. A further benefit of this development would also be the economic benefits of construction and additional population to support local businesses. As the residential development of this site is considered to be sustainable the proposal should only be refused planning permission if it can be demonstrated that there is significant and demonstrable harm as a result of this development.

7.3 Visual impact

7.3.1 In light of the above, 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 village setting itself and the wider countryside.

7.3.2 The application includes a landscape and visual impact assessment and provides for a fairly low density development (18dph or 3.4 dp acre), with the dwellings sited to the eastern end of the site and the open space and Suds system to the western end. The built up area amounts to 1.31 ha (3.2 acres) of the site and the open space and Suds area amounts to 1.48 ha (3.6 acres) of the site, providing for a low density development which would respect the edge of settlement location. This has the effect of keeping built form close to the existing residential development to the east and north of the site and keeping the western end open in an effort to complement the open countryside surrounding this end of the site. The application has also had regard to the slope of the site with floor levels which reflect the slope and by siting single storey dwellings at the highest part of the site to the east with the two storey dwellings at the back of the site where they are less visible. The dwellings have been sited broadly in line with the existing built form at Number 1 Bury Lane, which is also in line with the extent of the existing settlement boundary line.

7.3.3 The site is open, used for keeping horses and is well defined by mature hedging with some trees. Views of the proposed dwellings will be possible from Bury Lane and the dwellings will be visible along this site frontage in particular where the new access point will require removal of a section of hedgerow. However the scheme proposes single storey properties at the immediate site entrance and along the access road into the site. The two dwellings along the Bury Lane frontage are also single storey and well set back at a distance of 14 and 22 metres which will reduce their prominence within the streetscene and would reduce the visual impact of the scheme when viewed from the higher vantage point at the top of Bury Lane and Aldreth Road. Whilst the houses will be visible they would also be seen within the context of the existing houses fronting Aldreth Road but also as a continuation of the development within Bury Lane, as the built form projects no further into the open countryside and would certainly not amount to an isolated form of urban sprawl into the countryside.

7.3.4 The previous application which was refused, provided for two storey dwellings near the site frontage, which would have been prominent from the access to, and from

the public footpath 110/8 which runs in a north easterly direction towards the village. A hedge exists in this location but the dwellings would have appeared as an urbanising and intrusive feature and the development was considered to be visually intrusive when viewed from Bury Lane and Aldreth Road.

- 7.3.5 However it is now considered that the amendments to the scheme have alleviated previous concerns, such that, although the character of the field will change and some harm to the rural character of the area will occur, this is now at a level which is not considered to outweigh the benefits of providing much needed additional market and affordable housing. It is considered that the level of harm to the character of the area from one viewpoint, at the top of Bury Lane, is not significant such that refusal of planning permission would be justified.
- 7.3.6 With the retention of boundary hedging, including much of the front boundary hedge, and the additional strategic planting proposed, the Landscape and Visual Impact Assessment, demonstrates that the visual impact of the development will also be mitigated. Over time, the dwellings will be viewed through new planting areas, such that the proposal would result in no more than a slight adverse impact, on users of this short section of Aldreth Road, when the proposed landscaping matures.
- 7.3.7 In addition, it is considered that the development in depth on this site would be in keeping with the built form projection of Bury Lane. Whilst the site currently makes a valuable contribution to the wider countryside, the retention and enhancement of existing landscape features means that views of the new development will be limited and restricted such that they will not be visually prominent and intrusive in this rural location.
- 7.3.8 Whilst the new dwellings will change the open character of the site, given the limited views of the development, the mitigation proposed, and the attention to scale and layout, it is considered that the development would not cause significant and demonstrable harm to this edge of settlement location, and complies with Policy ENV 1. 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. These principles are also carried forward in Policy LP 28 of the Submitted Local Plan.
- 7.3.9 Furthermore, it is considered that the designs, scale and layout of the development would give rise to a high quality development which will relate sympathetically to the surrounding area, respect the local vernacular and create a quality new scheme with an area of public open space, in excess of that required by the SPD, which will add to the quality of the residential environment by enhancing the public realm.
- 7.3.10 The amendments made to this scheme are also considered to overcome the previous harm to the Haddenham Conservation Area as dwellings have been re-positioned and proposed as single storey in order to prevent harm to the Conservation Area. There is therefore no conflict with Policy ENV 11 of the Local Plan and LP 27 of the Proposed Submission Local Plan.

7.4 Housing mix and affordable housing

- 7.4.1 The proposal for 24 dwellings provides for 30% affordable housing which equates to 7 dwellings, comprising 4 x 1 bedroom bungalows, 2 x 2 bedroom house and 1 x 3 bedroom house. The mix of sizes is acceptable to the Senior Housing Strategy and Enabling Officer, but not the tenure. The desired tenure will however be secured by way of a S106 legal agreement.
- 7.4.2 The market housing comprises 3 x 2 bed dwellings, 11 x 3 bed dwellings and 3 x 4 bed, 11 of which are single storey. The overall mix and layout is considered acceptable in terms of its impact in the overall context of the vicinity of the site and accordance with Policy HOU 2 and HOU 3 of the Local Plan and Policy LP6 of the Submitted Local Plan.

7.5 Layout and public open space

- 7.5.1 The layout provides for built form to the east of the site and the open space to the west. Dwellings front the highway and the designs provide for a varied and pleasant streetscene making good use of the site contours of the site. The developer has responded to requests to lessen the amount of tandem parking and provide for more visitors spaces in appropriate locations within the layout. The applicant has also amended the layout to re-position the pond and play area to provide for a more accessible and pleasing environment and a high quality design solution.

7.6 Residential amenity

- 7.6.1 Policy ENV2 of the adopted Local Plan and Policy LP 22 of the Proposed Submitted Local Plan seek 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 of the site.
- 7.6.2 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 and they will be likely to experience an increase in activity from the occupants of that development. The development cannot be rejected because of the loss of a view and it is considered that sufficient care has been taken in the siting, scale and orientation of properties to give acceptable relationships with the existing residential properties to the east. Soft landscaping has also been incorporated along that boundary to mitigate any visual impact and the provision of single storey properties will enable some views to be retained. It is therefore considered that there is sufficient space to adequately mitigate any adverse impact with the use of soft landscaping, separation distances and orientation with existing properties and the height of the proposed dwellings, in line with the requirements of the Design Guide.
- 7.6.3 Anglian Water has requested that no dwellings are located within 15 metres of the sewage pumping station as they would be at risk of nuisance. The applicant has submitted amended plans to demonstrate that the dwellings will be outside of the 15

metre cordon sanitaire required. Noise information also satisfactorily demonstrates that neither the existing or proposed foul pumping stations will cause loss of residential amenity.

- 7.6.4 It is also considered that future occupiers of the dwellings on the site will have sufficient garden space and privacy with sufficient separation space between dwellings. The proposal therefore satisfies Policy ENV 2 and LP 22 in this regard and the Design Guide SPD.

7.7 Access and highway safety

- 7.7.1 Access is proposed onto Bury Lane and the County Highway Authority raise no objection but do comment on aspects of the internal road shared surface being below adoptable standards. The Authority have confirmed that the road can satisfactorily accommodate a refuse vehicle. The applicant was asked to provide additional visitors parking spaces in appropriate locations within the development. This have now been satisfactorily achieved with the provision of 17 visitor's spaces and two dwellings per dwelling, in accordance with Policy COM8.

- 7.7.2 The proposal does accord with the requirements of Policies ENV 2 and COM 7 of the Local Plan and Policies LP 22 and LP 17 of the Submitted Local Plan.

7.8 Flood risk and drainage

- 7.8.1 Foul water drainage is proposed to be dealt with by a pumping station on site to the mains sewer in Aldreth Road. Anglian Water has confirmed that there is available capacity for these flows.

- 7.8.2 The applicant has provided a Flood Risk Assessment and drainage strategy with Addendum information, which identify the site as within Flood Zone 1 and which demonstrates that surface water can be dealt with on site by using an attenuation basin and swale arrangement restricting the discharge to 1.9 l/s into an adjacent ditch, equivalent to the greenfield 50% AEP rate. The Lead Local Flood Authority has advised that although the pond is unlikely to contain water permanently if landscaped correctly, it will contain water after/during most rainfall events, but to a maximum depth of 0.5 metres.

- 7.8.3 It is considered that the proposal accords with Policy ENV 8 of the adopted Local Plan and Policy LP 25 of the Submitted Local Plan.

7.9 Trees, ecology and archaeology

- 7.9.1 The ecological impact assessment indicates the site comprises horse pasture and that with the implementation of mitigation measures there will be no adverse impact on protected species or habitats, to include retention of as much of the hedgerows as possible.

- 7.9.2 Enhancement measures are also proposed. The ecology and biodiversity aspects of the proposal are therefore deemed acceptable and biodiversity enhancements can be included within the soft landscaping and open space requirements for the development. Given the above the development is considered to comply with Policy

ENV 7 of the adopted Local Plan and Policy LP 30 of the Submitted Local Plan with the mitigation and enhancement measures proposed.

- 7.9.3 The Historic Environment team are satisfied that the findings of the Archaeological assessment will allow matters to be dealt with by condition requiring an archaeological programme of works.

7.10 Other material matters

- 7.10.1 Open space – Provision has been made in line with the space calculations within the Developer Contributions SPD, to include maintenance costs if deemed necessary. Provision has been made in excess of the required amount so this is accepted.
- 7.10.2 The affordable housing contribution offered in the application is considered acceptable as it provides for 30% with the required tenure split being secured by S106, in accordance with Policy LP6 of the Submitted Local Plan and the Housing Officer has indicated the mix is acceptable to meet housing need.
- 7.10.3 Cambridgeshire County Council Education has requested a contribution towards education provision. This amounts to £27,693 for early years, £368,000 for primary and £374,001 for secondary provision. Given the importance of the education infrastructure which is at capacity it is considered that a contribution should be made commensurate with the requirements of this development and in accordance with Policy GROWTH 3 of the Local Plan and LP 16 of the Submitted Local Plan.
- 7.10.4 In accordance with Policy ENV 4 and draft Policy LP 24 a condition would need to be attached to any planning permission requiring the submission of energy efficiency measures to be incorporated within the development.

7.11 Planning balance

- 7.11.1 The starting point for decision making is to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise. In this case the proposal would be contrary to Policy GROWTH 2 as the site is located outside of the defined settlement boundary and there would be limited visual harm to users of a small stretch of Aldreth Road and of Bury Lane .
- 7.11.2 However the Council is not able to demonstrate a 5 year supply of housing land, relevant policies for the supply of housing are not up to date and therefore the ‘tilted balance’ of Paragraph 11 is engaged. This application therefore needs to be determined with a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrable outweigh the benefits when assessed against the Framework as a whole. The adverse impacts here are restricted to the slight adverse impact on views from Aldreth Road, which could be sensitively mitigated, and to the conflict with Policy GROWTH 2.

- 7.11.3 Against these limited adverse impacts are benefits identified above, which include the provision of 24 homes in a District with a housing shortfall, together with the provision of 7 affordable homes, where likewise there is a significant shortfall of provision, notwithstanding the recent permission for a CLT development within the village. The provision of sorely needed market and affordable housing should be attributed significant weight. There would also be benefits accrued from the provision of a large area of public open space, improvements in biodiversity, the creation of jobs during construction and from the resulting occupiers. These are benefits which also accrue modest weight in favour of the proposal.
- 7.11.4 In applying the 'tilted balance' it is considered that the adverse impacts of the development do not significantly and demonstrably outweigh the benefits of the proposal when considered against the Framework taken as a whole. Accordingly, the Framework, which is an important material consideration, indicates that planning permission should be granted. The submitted Local Plan now under examination does not alter this conclusion as it can only be given limited weight given its stage of preparation.
- 7.11.5 The proposal accords with the development plan and there is no significant demonstrable harm from the proposed development which would weigh against the proposal.

8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points: There is no demonstrable harm to outweigh the benefits of this proposal and there are no objections from statutory consultees.

9.0 APPENDICES

- 9.1 Appendix 1 – draft conditions.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00803/FUM	Barbara Greengrass Room No. 011	Barbara Greengrass Senior Planning Officer
17/01107/FUM	The Grange Ely	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

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 – 18/0803/FUM Conditions

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

Plan Reference	Version No	Date Received
018 011 002	D	17th August 2018
018 011 003	D	17th August 2018
018 011 004	D	17th August 2018
018 011 005	D	17th August 2018
018 011 006	D	17th August 2018
018 011 010	A	17th August 2018
018 011 011	A	17th August 2018
018 011 012	A	17th August 2018
018 011 013	A	17th August 2018
018 011 014	A	17th August 2018
018 011 015	A	17th August 2018
018 011 020	A	17th August 2018
018 011 030	B	17th August 2018
018 011 031		17th August 2018
816 18 2A 1 OF 2		17th August 2018
816 18 3A 2 OF 2		17th August 2018
619581-MLM-ZZ-XX-DR-C-0111		P02 17th August 2018
Flood Risk Assessment & Drainage Strategy		17th August 2018
Landscape and Visual Impact Assessment		17th August 2018
Acoustic Assessment		22nd August 2018
Archaeological Report		12th June 2018
816.18.2		12th June 2018
816.18.3		12th June 2018
Arboricultural Impact Assessment		12th June 2018
Drainage Report		12th June 2018
Planning Statement		12th June 2018
Sustainability Statement		12th June 2018
Utilities Statement		12th June 2018
Transport Assessment		12th June 2018
Environmental Statement		12th June 2018
6753-D-AIA		12th June 2018
018-011-001	P1	12th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No 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.

- 3 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.
- 4 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 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.
- 5 Prior to the commencement of any development, the remediation scheme approved in Condition 4 above shall be implemented in accordance with the agreed timetable of works and to the agreed specification. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 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.
- 6 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.
- 6 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00 to 18:00 each day Monday-Friday, 08:00 to 13:00 Saturdays and none on Sundays, Bank or Public Holidays.
- 7 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.
- 8 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 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.
- 9 No above ground construction shall take place on site until details of the roof and wall materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 10 Prior to the first occupation of any dwelling the internal estate roads required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the approved plans.
- 10 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.
- 11 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.
- 11 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.
- 12 No above ground construction shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 12 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 13 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 13 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 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.
- 14 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies,

another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

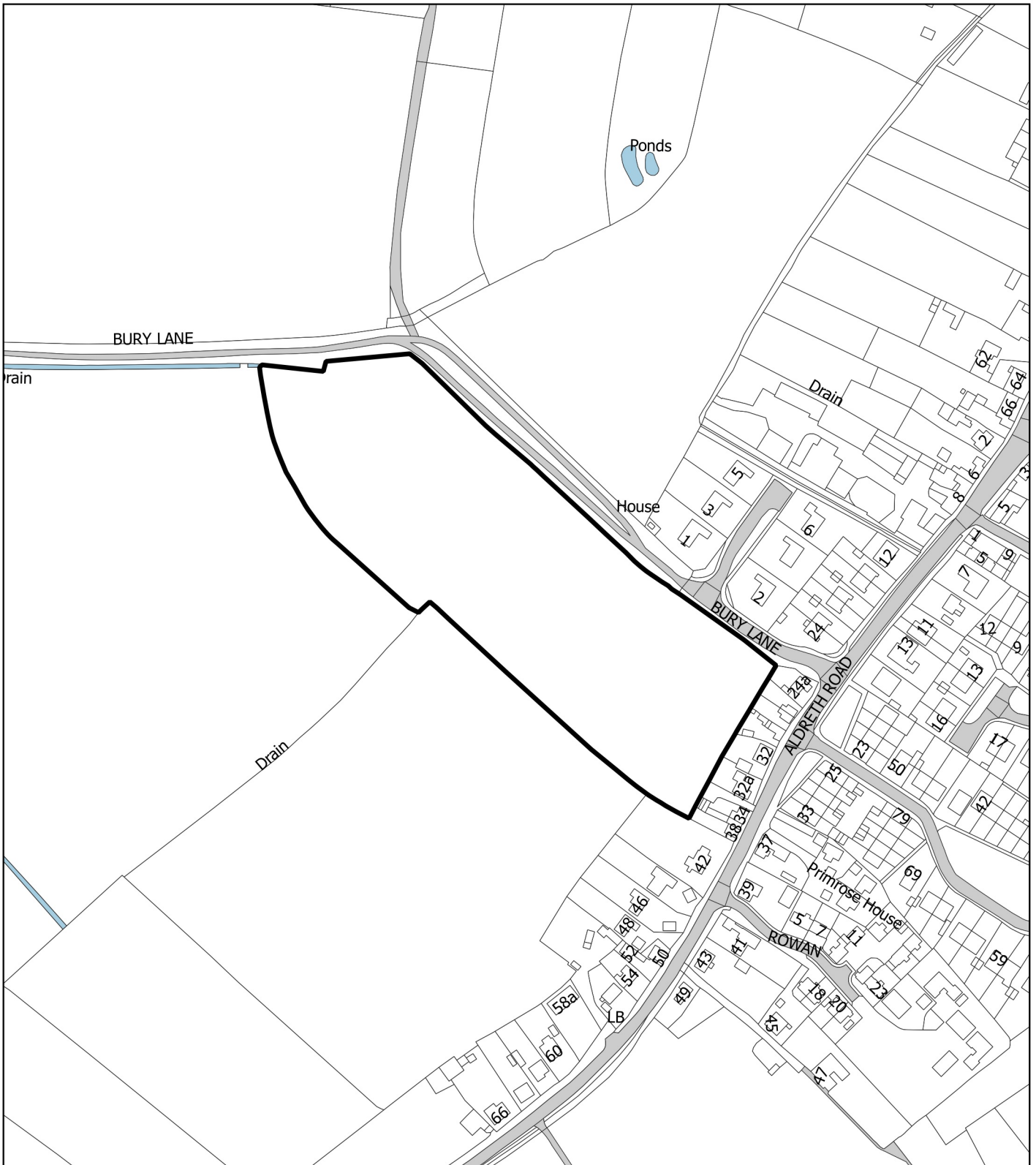
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 15 No above ground construction shall take place until full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: railings, hard surface materials etc. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 16 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping for a minimum period of 5 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
 - i) methods for the proposed maintenance regime;
 - ii) detailed schedule;
 - iii) details of who will be responsible for the continuing implementation
 - iv) details of any phasing arrangements
- 16 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 17 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing numbers 816.18.2A and 816.18.3A dated 17 August 2018. The boundary treatments shall be in situ and completed prior to the first occupation of the dwelling they relate to and for the open space, before its first use. All works shall be carried out in accordance with the approved details and retained thereafter
- 17 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 18 The tree protection measures as shown on 6753-D-AIA shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered

- 18 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 19 Except as detailed on the approved plans, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority
- 19 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 20 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 20 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 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.
- 21 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 development shall not be occupied until the approved scheme has been implemented.
- 21 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety in accordance with Policies Growth 3 and ENV 2 of the East Cambridgeshire Local Plan 2015 and Policy LP16 of the submitted Local Plan. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted
- 22 The development shall be carried out in accordance with the recommendations and improvements contained within Section 8 of the Ecological Impact Assessment dated April 2016.
- 22 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.
- 23 Prior to the occupation of each dwelling, space shall be laid out for car parking in association with that dwelling. This area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 23 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.

- 24 Prior to occupation of any dwelling, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 24 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.
- 25 No development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Drainage Strategy prepared by MLM Group (ref: 619581-MLM-ZZ-XX-RP-C-0001 revision 04) dated 11th September 2018 and shall also include: a) Detailed drawings of the entire proposed surface water drainage system (including the swale). These details shall include all levels, gradients, dimensions and pipe reference numbers; b) Full details of the proposed attenuation and flow control measures; c) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants; d) Full details of the maintenance/adoption of the surface water drainage system including details of the party/parties responsible for the long term management and maintenance of every element of the proposed drainage system.

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

- 25 Reason: To prevent the increased risk of flooding and to 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.



18/00803/FUM

Land at
Bury Lane
Haddenham



East Cambridgeshire
District Council

Date: 19/09/2018
Scale: 1:3,000



© Crown copyright.
All rights reserved 100023279 (2017)

MAIN CASE

Reference No: 18/00832/OUM

Proposal: Outline application for residential development, with all matters reserved except access, for up to 52 dwellings and associated development including public open space at land to the north east of Soham Road, Fordham.

Site Address: Land Between 4 And 5 Soham Road Fordham
Cambridgeshire

Applicant: Endurance Estates Strategic Land Ltd

Case Officer: Barbara Greengrass, Planning Team Leader

Parish: Fordham

Ward: Fordham Villages
Ward Councillor/s: Councillor Joshua Schumann
Councillor Julia Huffer

Date Received: 29 June 2018 **Expiry Date:** 5 October 2018

[T111]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE this application:
1. The proposed development is located within an area defined as open countryside where development is strictly controlled and are only permitted where required to accommodate key agricultural, forestry or other essential countryside workers or to meet a local need for affordable housing/accommodation. No such need has been demonstrated in this case and the proposal would therefore be contrary to the Policy 1 (Housing Growth) of the post-examination Fordham Neighbourhood Plan 2016-2036, GROWTH2 of the 2015 Local Plan, Policy LP3 of the 2017 Submitted Local Plan and NPPF Paragraph 11.

2.0 **SUMMARY OF APPLICATION**

- 2.1 This application is a re-submission, following refusal of planning permission by Planning Committee in January 2018 for one reason. The site is located outside of the defined settlement boundary so the proposal was refused because it was

contrary to Policy GROWTH 2, as the Council could demonstrate a 5 year supply of housing land. An appeal has been lodged for that application.

2.2 This application is identical. It seeks outline planning permission for up to 52 dwellings together with associated development including open space. Access is to be determined at this stage with appearance, landscaping, layout and scale to be reserved matters.

2.3 The application has been accompanied by the following documents:

- Planning Statement
- Design & Access Statement
- Landscape and Visual Impact Assessment
- Statement of Community Involvement
- Transport Assessment
- Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan
- Archaeological Desk Based Assessment
- Ecology report
- Heritage Statement
- Noise Impact Assessment
- Energy Statement
- Phase 1 Contamination Assessment Report
- Utility Services Report
- Geophysical Survey
- Flood Risk Assessment & Drainage Strategy

2.4 A Parameter Plan submitted with the application sets out the broad land use framework across the site with areas of public open space, single storey dwellings and two-storey dwellings. An Indicative Masterplan demonstrates how the development could be accommodated on the site. A single point of access off Soham Road is proposed.

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

2.6 The application is to be determined by the Planning Committee in accordance with the Council's constitution as the proposal is for over 50 dwellings.

3.0 PLANNING HISTORY

3.1

17/01420/SCREEN	SCREENING OPINION for the erection of up to sixty dwellings	11.09.2017
-----------------	---	------------

17/01572/OUM	Outline application for residential development, with all matters reserved except access, for up to 52 dwellings and associated development including public open space.	Refused Appeal Hearing 16 th October 2018.	04.01.2018
--------------	--	---	------------

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site extends to approximately 2.26 hectares and is situated outside the defined settlement boundary for Fordham. The site adjoins the settlement boundary on part of its north-western boundary, with the remainder of that boundary adjoining the site to the rear of Rule Gardens on which planning permission has recently been granted for the construction of 16 dwellings. The site is currently in agricultural use with some paddock and grazing areas along the north-western boundary. The land to the south-east is open agricultural land. To the north and east of the site is residential development.

5.0 RESPONSES FROM CONSULTEES

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

Parish – Majority no objections.

Ward Councillors - No Comments Received

Cambridgeshire Archaeology – The site lies in an area of high archaeological potential, located within a large and complex prehistoric landscape. We do not object to development from proceeding in this location but consider that the site should be subject to a program of archaeological investigation secured through the inclusion of a condition.

Cambridgeshire County Council Education – Cambridgeshire County Council has requested a financial contribution towards early years, primary and secondary education provision together with a libraries and lifelong learning contribution.

Cambridgeshire Fire And Rescue Service – Adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

Local Highways Authority – 06/08/2018 – The highway authority does not object to the proposal, subject to a condition, requiring the implementation of travel welcome packs as well as the contribution of £37, 680 for improvements to the A142/Fordham Road/A1123 roundabout.

20/08/2018 – The highways authority has no objections in principal to this application subject to conditions.

CCC Growth & Development - No Comments Received

Lead Local Flood Authority – Have no objections in principle to the proposed development.

The applicant has demonstrated that surface water can be dealt with on site by using infiltration and testing has been undertaken to support this.

Minerals And Waste Development Control Team – The team have reviewed the available documentation and request that, in the event the planning authority be minded to grant outline planning permission, the matter of waste management is identified as a reserve matter and a condition be imposed.

Senior Trees Officer – The Trees Officer has no objection to these proposals as the trees it potentially affects are not of significant landscape value.

The primary considerations of this proposal relate not to the impact upon existing trees but rather, the potential impact upon the wider landscape from the proposal.

I have concerns this proposal will have a negative impact upon the landscape character of the area which would be in conflict with guidance within the local plan (ENV1: Landscape and settlement character) therefore, I advise you consider consulting with a landscape consultant to assess this element of the proposal.

Conservation Officer - No Comments Received

Environmental Health – Overall noise levels from Soham Road are acceptable. Plots 1 & 2 would experience noise levels slightly above recommended. The bedroom windows from these two plots could face the road. Reserved matters should ensure noise levels to these rooms are adequately dealt with as the Council does not accept windows closed with alternative ventilation.

Strategic Planning - No Comments Received

Housing Section – In accordance with the Submitted Local Plan the required provision is 30%. Accordingly, 16 affordable homes would be expected to be provided from this application.

Should consent be granted, I would request a s106 Agreement containing 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 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 Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
6. That occupation will in accordance with a nomination agreement.
7. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

Waste Strategy (ECDC) – Subject to the following comments and recommendations:

- The waste team would like clarification that all locations shown on the Illustrative Masterplan as 'Type 3' will be fully adopted, rather than just built to adopted standards?
- In many new developments where parking has been provided 'back to back' the tendency is for residents to park one vehicle on the drive and the other on the highway which causes access issues for freighters and the waste team would like details from the developer about how this will be avoided/dealt with once the site is complete? This is especially relevant to the roadway serving units 32 to 42.

Historic England – Do not wish to offer any comments.

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

Foul drainage from this development is in the catchment of Soham water Recycling Centre that will have available capacity for these flows. Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine feasible mitigation solution, which will be secured through condition.

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.

Anglian water would recommend a condition if planning permission was granted which ensures a foul water strategy has been submitted.

The Ely Group Of Internal Drainage Board - No Comments Received

Design Out Crime Officers – All matters are reserved and no comments are provided at this stage, but would wish to be consulted at reserved matters stage in regards to the design and layout should planning be approved.

Cambs Wildlife Trust - No Comments Received

Technical Officer Access – Access – Dropped kerbs will be needed at the junction together with identifiable paving for the visually impaired. We are pleased to see pavements on both sides of the entrance and hope they continue throughout the site.

Natural England – Natural England has no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites of landscapes.

5.2

Neighbours – A site notice was posted, advertisement placed in the Cambridge Evening News and 71 neighbouring properties were notified. The 9 responses received are summarised below. A full copy of the responses are available on the Council's website.

- Neighbouring properties to the development are not illustrated in plans.
- The close proximity of the fencing to neighbouring properties, will harm existing hedges.
- Care and attention needs to be made to neighbouring properties trees.
- The development conflicts with the East Cambridgeshire Local Plan 2015.
- Development is outside the development envelope.
- The village could potentially increase from 12000 homes to 18000, which will change the village for worse.
- Will encourage further development on Soham Road.
- Green and agricultural areas are important aspects of the village.
- The B1102 will no longer be usable for children wanting to cycle to school.
- The increase in village size of 45% in such a short period is not in best interests.
- Will create strain on local amenities.
- The local school is at capacity.
- Traffic levels are already high through the village.
- Less secondary school places available.
- Public transport is sparse.
- Sewage system is incapable of taking developments of this scale.

- The size of the proposed is far too large.
- Fences will impact light and residential amenity.
- Noise pollution from traffic is already very high.
- Little consideration to the visual impact of the development for neighbouring properties.
- Infrastructure cannot support further development.
- Parking outside shops is already difficult.

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
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2018

- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 5 Delivering a sufficient supply of housing
- 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 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
LP20	Delivering Green Infrastructure, Trees and Woodland
LP21	Open Space, Sport and Recreational Facilities
LP22	Achieving Design Excellence
LP24	Renewable and Low Carbon Energy Development
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP27	Conserving and Enhancing Heritage Assets
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside

6.5 Planning Practice Guidance

6.6 Fordham Neighbourhood Plan - this Plan has been examined and is awaiting referendum.

Policy 1: Housing Growth
Policy 2: Character & Design
Policy 8: Wildlife and Habitats
Policy 11: Car Parking

7.0 **PLANNING COMMENTS**

7.1 The main issues to consider in the determination of this application are the principle of development, visual amenity, residential amenity, historic environment, highway safety, drainage and flood risk and biodiversity and ecology.

7.2 **Principle of Development**

7.2.1 At the heart of the National Planning Policy Framework 2018 is a presumption in favour of sustainable development. It specifically states at paragraph 11, that local planning authorities should normally approve planning applications for new development that accord with an up-to-date development plan or, where there are no relevant development plan policies, or the policies most important for determining the application are out of date, granting permission unless: specific

protections apply; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

- 7.2.2 At the present time the policies most important for determining this application are out-of-date as the planning authority cannot demonstrate a five year supply of deliverable housing sites, as set out in paragraph 73 of the Framework. Therefore this application must be determined in accordance with the above paragraph. However, two emerging development plans relevant to Fordham are very well advanced, as explained below, and as such determining the proposal in accordance with NPPF paragraph 11 needs to be balanced against the weight to be given to the emerging policies.
- 7.2.3 First, therefore, the principle of development should be considered against the current **adopted** development plan, together with, in particular, national policy where a five year land supply cannot presently be demonstrated.
- 7.2.4 Policy GROWTH2 requires that development be permitted only within defined development boundaries outside of which development will be strictly controlled, limited to certain exceptions and not for general housing needs. The site lies adjacent to but outside of the settlement boundary. The development of this site for housing would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015. Policy GROWTH 5 allows for sustainable development which accords with the development plan unless material considerations indicate otherwise, taking into account the NPPF and the strategic objectives of the Local Plan. The proposal therefore conflicts with the locational strategy in these key policies.
- 7.2.5 However, as the Council cannot currently demonstrate a five year land supply for housing, Policies GROWTH 2 cannot be considered as fully up to date in so far as it relates to the supply of housing land. The tilted balance is therefore engaged in accordance with the NPPF. This does not mean that these housing policies should carry no weight at all. Given the ample supply of housing in Fordham through existing commitments and allocations within the emerging draft plans, it is considered that in this case, the reduction in weight should only be modest, or potentially could be a very limited reduction, due to the emerging neighbourhood plan (see below).
- 7.2.6 Second, moving to the emerging development plan, this includes both a new Local Plan and a Neighbourhood Plan for Fordham. The spatial strategy for the Submitted Local Plan 2017, within Policies LP1, LP2 and LP3 is broadly consistent with the adopted Plan and restricts development outside of defined settlement boundaries in the same way. Given the stage of preparation of this plan it is considered that the conflict with these policies should be afforded moderate weight.
- 7.2.7 The post examination Fordham Neighbourhood Development Plan (FNP) has been examined and the Council has now issued its decision in response to the examiners recommendations and findings. In summary the examiner concludes that the FNP, subject to a small number of modifications, satisfies the basic conditions and other legal requirements, and should proceed to referendum. This referendum is due to take place in November and in light of this late-stage in preparation, that the FNP

should be given significant weight. Where a Neighbourhood Plan has reached the stage that the Fordham one has (namely, post examination, but awaiting referendum), the Neighbourhood Planning Act 2017 brought in a “duty to have regard to post-examination neighbourhood development plans” when making planning decisions.

- 7.2.8 Paragraph 125 of the NPPF states that neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The FNP has been prepared to complement existing local, national and strategic planning policy, to provide additional detail and subtlety that reflect the special characteristics of Fordham that cannot reasonably be addressed by higher-level policy. It has been designed to help protect areas, landmarks and services that are most important to the community. The Plan is intended to set out a local blueprint for how Fordham should develop sustainably in the best interest of the village, in the context of the wider Local Plan. The Plan acknowledges the housing growth requirement set out by the 2015 Local Plan and 2017 Submitted Local Plan to contribute to the national shortage of housing and accepts the growth level for Fordham, as established through housing allocations and the demarcation of a ‘Development Envelope’ for the village.
- 7.2.9 The proposed development conflicts with Policy 1 of the FNP for similar reasons as the conflict with the adopted development plan. The site is outside the settlement and the policy does not support development on unallocated sites in such a location. The scheme’s policy contravention carries significant weight in the planning balance.
- 7.2.10 It is also important to note that para 14 of the NPPF makes reference to Neighbourhood Plans, and that, in certain circumstances, only three years supply of housing need be demonstrated across the district, for those locations covered by an adopted Neighbourhood Plan. Consequently, and considering the advanced nature of the neighbourhood plan and the legal requirement for decision makers to take account of it now, moderate weight should be given to the fact that the lack of a demonstrable five year land supply across the district will likely not apply to Fordham shortly, due to the presence of its neighbourhood plan. In effect, it is considered that the ‘tilted balance’ which presently applies district wide is only slightly engaged (or of very limited weight) in Fordham, due to the unique nature Fordham finds itself in (i.e. a well advanced neighbourhood plan).
- 7.2.11 Also of relevance in determining the principle of this development is the impact it would have on the nearby European and internationally designated sites. The applicant has submitted a Habitats Regulations Assessment (HRA) screening report prepared by Applied Ecology Ltd (August 2018) which has screened out the potential for likely significant effect on Wicken Fen Ramsar and component of Fenland Special Area of Conservation (SAC), Devil’s Dyke SAC and Breckland SAC.
- 7.2.12 Natural England have raised no objection to the proposal. The conclusion of the HRA report that there will be no significant effect to the Chippenham Fen Ramsar and Fenland SAC as a result of the development is accepted.

- 7.2.13 The Ecological Assessment also identifies Brackland Rough SSSI, located to the south east of the proposed development site. The report considers that direct and indirect impacts on the SSSI are unlikely on the basis of distance, the presence of other Local green spaces closer to the site and the provision of on site POS means that significant adverse effects as a result of increase in recreational pressure are considered very unlikely and specific mitigation is not considered appropriate or necessary in relation to this development.
- 7.2.14 As the screening carried out has identified the development will not have the potential for significant adverse impacts on Chippenham Fen Ramsar, Fenland SAC and Brackland Rough SSSI designated sites, it is considered that an appropriate assessment under the Birds or Habitats Directives is not required. The presumption in favour of sustainable development is therefore triggered in line with paragraph 119 of the NPPF.

7.3 Visual impact

- 7.3.1 The application site is currently undeveloped and comprises a small scale arable field and paddocks. There is modern residential development immediately to the north of the site in the form of three recently constructed dwellings known as 5A, 5B and 5C Soham Road and the Rule Gardens development. Planning permission has recently been given for the extension of the Rule Gardens development, which will effectively continue the pattern of residential development along Rule Gardens and infills an area to the rear of dwellings on Murfitt's Lane and Carter Street.
- 7.3.2 To the south-east of the site there are a number of arable fields that wrap around the individual dwellings that front onto Soham Road and finish beyond the residential area made up of Stewards Field and Harry Palmer Close. The land to the south-west of the site, on the opposite side of Soham Road, is in agricultural use with long range views towards the A142 bypass and beyond.
- 7.3.3 Murfitt's Lane and Carter Street define the edge of the settlement and the application site, together with the adjoining arable fields, contribute towards the semi-rural character of the area. When viewed from the south-east, i.e. travelling along Soham Road towards Soham, the proposed development will be seen against the backdrop of the existing built form. It will however reduce the prominent gap between development on Soham Road and further urbanise the edge of village setting. The indicative Masterplan submitted with the application suggests that the main access road could run parallel to the south-eastern boundary, with provision made for some landscaping along the boundary and a central public open space. The layout is indicative only but does not provide for enough land to allow for a substantial planting buffer. This would need to be provided on any reserved matters application to soften the impact of the development when viewed from the south.
- 7.3.4 When viewed from the north-west the existing built form will appear more distant, with intervening vegetation masking the area of dense residential development surrounding Sharman's Road. The development would however be viewed

alongside the modern development at Rule Gardens and Nos. 5A, 5B and 5C Soham Road.

- 7.3.5 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application, which identifies that the site lies within one character area as identified within the Cambridgeshire Landscape Guideline – Chalkland. The LVIA states that effects on the landscape character would be confined to the site itself and its immediate context and extend no more than about 200m from the site. The LVIA also states that effects on townscape and settlement form are limited given that the site is surrounded on three sides by the existing residential dwellings of Fordham.
- 7.3.6 It is considered that the site is effectively bounded by residential dwellings on two sides and not three as stated in the LVIA and that the visual effects of the development would be slightly greater than suggested in the appraisal. However, it is agreed that Soham Road forms a physical boundary for the south of the settlement and that the proposed development would not appear as an intrusion or sprawl of built form into the countryside. Subject to a satisfactory layout and substantial landscaping along the southern boundary, it is considered that the development could be incorporated into the landscape without causing significant and demonstrable harm to the visual amenity of the area. The proposal will naturally extend the settlement edge but given that it will occupy land in between the existing built form of the village it can achieve a satisfactory relationship with existing development, in accordance with policies ENV1 and ENV2 of the Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan.

7.4 Residential Amenity

- 7.4.1 Policy ENV2 of the Local Plan and LP22 of the Submitted Local Plan, seek 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. The site adjoins existing dwellings in Rule Gardens together with the planned extension to the north-east. There are also a number of dwellings on Soham Road that share a boundary with the site.
- 7.4.2 A Parameters Drawing submitted with the application is intended to set a limit on the number of storeys of the proposed dwellings and sets broad development blocks, with the majority of the site comprising two storey dwellings. Areas to the south west and north west are shown to be single storey to take account of the existing dwellings adjacent to those boundaries.
- 7.4.3 The occupiers of No. 5A Fordham Road have expressed concerns regarding the proximity of development to their dwelling and the potential impact on their outlook and privacy. At present there is little in the way of boundary treatment between the site and No. 5A and No. 5A has a number of floor to ceiling windows on its side elevation that face towards the application site. An area of open space is proposed at the front of the site with two single storey dwellings shown on the illustrative Masterplan adjacent to this boundary. The occupiers of No. 5A are concerned that the construction of a hard boundary treatment such as a wall or a fence on this boundary would appear overbearing and result in a loss of light. If no such

boundary treatment was installed there are concerns that this would lead to a loss of privacy. Concerns have also been raised regarding the use of this area as open space and potential parking and turning area shown on the Masterplan as this could lead to noise and disturbance and light pollution from car headlights. The illustrative masterplan has been amended to remove this area as usable open space and in any event the precise use and boundary treatments will be determined at reserved matters stage.

- 7.4.4 The applicant has provided further detail as to how the residential amenity of No. 5A could be protected. This detail can be controlled at reserved matters stage. The dwellings on these plots can be set back as shown on the indicative layout and the turning area sited so as to safeguard residential amenity.
- 7.4.5 Given that the built form in this location could be restricted to single storey and that the boundary treatment could be sensitively designed, it is considered that the amenity of the residents of No. 5A could be adequately protected. Their outlook from their existing dwelling will change, however, there is no right to a view in planning terms. A boundary fence could protect the side facing ground floor windows from car headlights and the area of open space is likely to be used as private garden as it is not usable public open space.
- 7.4.6 There is likely to be a certain degree of noise and disturbance during the construction process for all existing residents and any future developer would need to submit a Construction Environmental Management Plan and agree to a restriction on working hours.
- 7.4.7 Any reserved matters application in relation to layout, scale and appearance will need to take account of the East Cambridgeshire Design Guide SPD in relation to plot sizes, amenity space and distances between inter-visible windows. At present the Indicative Masterplan indicates that the required separation distances are not achieved on the boundary with Rule Gardens and this will need to be addressed. Sufficient separation distances with existing dwellings on Carter Street can be achieved. The scheme as proposed equates to a density of 23 dwellings per hectare (9.3 dwellings per acre). This medium level of density is considered to be appropriate for the site's shape and location and is similar to the density of the recently approved extension to Rule Gardens (24 dwellings per hectare or 9.4 dwellings per acre). It is also considered that there is sufficient space to ensure that future residents will enjoy an acceptable level of residential amenity. The scheme would however need to demonstrate that sufficient open space can be accommodated on the site whilst also providing adequate space for a landscaped buffer along the southern edge. Given that the scheme is for up to 52 units, this should be achievable as the numbers are not fixed.
- 7.4.8 A Noise Assessment submitted with the application indicates that the plots closest to Soham Road may require acoustic treatment. However, the single storey nature of these dwellings is such that the internal layout can take road noise into account and no further mitigation will be required.
- 7.4.9 It is considered that the proposal could satisfy the requirements of Policies ENV 2 and LP22 at reserved matters stage.

7.5 Historic Environment

- 7.5.1 There are no designated heritage assets within the application site but Cromwell House, a Grade II listed building is located immediately north east of the site's boundary. A Heritage Statement submitted with the application appraises the boundary treatments along the north eastern boundary and highlights the fact that there are views to Cromwell House from the site at certain times of the year. The Statement sets out that the significance of Cromwell House is derived from historic, evidential and aesthetic values and to a lower degree has some communal value. The application site is likely to have had an historic functional association with Cromwell House but lacks strong character associated with understanding its historic significance.
- 7.5.2 On this basis it is considered that any impact on the heritage value of Cromwell House is likely to be negligible and less than substantial harm will be caused. In accordance with the requirements of the NPPF it is considered that this less than substantial harm would be outweighed by the public benefits of the scheme, including the provision of market and affordable housing and public open space.
- 7.5.3 The application site is located just over 1km from the Grade I listed Church of St Peter. The site does not however contribute to the setting of the Church, which will be unaffected by the development.
- 7.5.4 The proposal is considered to comply with policies ENV12 and LP27 in this regard.
- 7.5.5 The Historic Environment Team has stated that their records indicate that the site lies in an area of high archaeological potential. This contradicts the applicant's Archaeological Desk Based Assessment, which states that archaeological potential is considered to be low. The Historic Environment do not however object to development proceeding but consider that the site should be subject to a programme of archaeological investigation. This can be secured by planning condition. On this basis the proposal complies with policies ENV14 and LP27.

7.6 Highway safety

- 7.6.1 The site will be accessed off Soham Road and this application seeks approval of the access details at this stage. A 6.0m wide main access road is proposed into the development with a 2.0m wide footway to either side. Appropriate visibility splays will be provided at the Soham Road junction.
- 7.6.2 The Local Highway Authority is satisfied that safe and convenient access to the highway network can be achieved. Parking provision is not being assessed at this outline stage but the indicative masterplan shows that the current standards could be achievable.
- 7.6.3 The Transport Assessment Team has considered the Transport Statement submitted with the application and does not object to the proposal subject to the provision of a Travel Welcome Pack and a contribution of £37,680 towards improvements to increase capacity of the A142/Fordham Rd/A1123 roundabout.

This is considered to be fairly and reasonably related in scale and kind to the development and is accepted by the applicant. The proposal therefore complies with Policies COM7 and LP17.

7.7 Flood risk and drainage

- 7.7.1 The site is located in Flood Zone 1, which is at the lowest risk of flooding. The site does however extend to more than 1 hectare and the applicant is therefore required to submit a Flood Risk Assessment. The Flood Risk Assessment and Drainage Strategy submitted with the application states that the site is not at significant risk of tidal or fluvial flooding.
- 7.7.2 Surface water run-off from the site is expected to be collected, attenuated and disposed of via infiltration, with no off-site discharge to sewers or watercourses. Infiltration tests have been carried out and the Lead Local Flood Authority is satisfied that this is an effective way of dealing with surface water subject to conditions.
- 7.7.3 Anglian Water have advised that the development will lead to an unacceptable risk of flooding downstream. However, a development impact assessment has been prepared in consultation with the applicant to mitigate the impact, which means this matter can be dealt with by condition.
- 7.7.4 On the basis of the information submitted it is considered that the foul and surface water drainage strategies are acceptable and meet the requirements of policies COM8 and LP25 together with the principles for surface water and sustainable drainage systems contained within the Cambridgeshire Flood and Water SPD.

7.8 Biodiversity and ecology

- 7.8.1 A Preliminary Ecological Appraisal submitted with the application addresses the impact on ecology over the site. It makes reference to the fact that the southern and eastern edges of the site are occupied by an arable field and that the north west section of the site consists of four heavily grazed semi-improved grassland horse paddocks. A small area beyond the paddocks is fenced off and consists of ungrazed semi-improved neutral grassland. Scattered scrub is present through the site and there are a number of small sheds/stables present.
- 7.8.2 The Appraisal concludes that the habitats identified are of very low botanical and habitat value. No significant adverse effects on statutory and non-statutory sites are anticipated and the buildings did not have any obvious value for species. No further surveys were recommended and it is considered that this accurately reflects the low biodiversity value of the site. The existing boundary hedgerow and shrubs/trees are to be retained and the scheme presents an opportunity to incorporate bird and bat boxes.
- 7.8.3 The Wildlife Trust has been consulted on the proposal but has not commented.

7.8.4 The Trees Officer has considered the Tree Survey and Arboricultural Impact Assessment submitted with the application and is satisfied that the impact upon existing trees is minimal. The information within the associated Arboricultural report, which considers the trees affected of low value, is supported and on that basis there is no objection to the proposal.

7.8.5 The proposal is therefore considered to comply with policies ENV7, LP28 and LP30 in relation to treescape, biodiversity and ecology.

7.9 **Other material matters**

7.9.1 Affordable housing

The applicant originally proposed 40% of the dwellings would be affordable units. Since the Submitted Local Plan provides for 30% on the basis of an up to date viability assessment, 30% provision is considered acceptable. The precise mix of house types would be agreed at reserved matters stage and secured through the S106 Agreement.

7.9.2 Education contribution

Cambridgeshire County Council has been consulted on the proposal and has indicated that a financial contribution towards early years, primary and secondary education provision is required together with a libraries and lifelong learning contribution. It is considered that this request is CIL compliant. Potential contribution of up to £836,000. In accordance with the draft S106 prepared for the appeal on the site, the applicant has agreed to pay an education contribution in line with the CCC requirements with the eventual contribution based on the tables in the Annex to the 106 based on the eventual development mix.

On the basis that a contribution is made in line with the S106 the requirements of policies GROWTH 3 and LP16 in relation to infrastructure to support growth are met.

7.9.3 Contaminated land

A Phase I Ground Condition Assessment has been submitted with the application. This has been reviewed by the Council's Scientific Officer, who confirms that the site appears to be at low risk of land contamination and a condition requiring further work is not required. As this application is for a sensitive end use it is recommended that an unexpected contaminated land condition is attached to any grant of permission.

7.9.4 Energy and water efficiency

An Energy Statement has been submitted with the application. This outlines a number of key policy targets for the development in relation to energy, CO2 emissions and water consumption and how these can be met. It is expected that all developments will optimise energy efficiency and that consideration will be given

to the use of renewable and low carbon energy sources. Developers should also consider how the design and orientation of buildings can affect their efficiency and the installation of items such as electric vehicle charging points. It is considered that these matters will be addressed further at reserved matters stage and applicants will be required to demonstrate that the requirements and aspirations of policies ENV4, LP 23 and LP24 are met.

7.9.5 Open Space

The layout is indicative but the applicant has demonstrated that the amount of public open space being provided on site can accord with the Developer Contributions SPD. This will have to be demonstrated at reserved matters stage whilst providing for a landscaped buffer and can be secured by way of a S106 Agreement.

7.10 **Planning balance**

- 7.10.1 The proposal conflicts with Policy GROWTH 2 and 5 and is not supported by the spatial strategy for growth. As a result of the housing supply shortfall the tilted balance provisions of the NPPF are applicable, but only to a very limited degree due to, primarily, the advanced stage of the Neighbourhood Plan and, secondly, the advanced stage of the emerging local Plan. As such, the reduction in weight to be given to Policy should only be very limited.
- 7.10.2 The proposed development conflicts with Policy 1 of the post examination FNP for similar reasons as the conflict with the adopted development plan. The site is outside the settlement boundary and the Policy does not support development on unallocated sites in such a location. Given the duty within the Neighbourhood Planning Act 2017 to have regard to post- examination Neighbourhood Development Plans, and the fact that it is now at a late stage in preparation, with the referendum due in November, given recent case-law, it is considered that the scheme's policy contravention carries significant weight in the planning balance. Policy 1 indicates that the housing requirement for Fordham between 2016 and 2036 will be 350 dwellings to be achieved via the allocations in the post examination FNP and a realistic allowance for windfall sites of 15%. In addition to this, a total of 179 dwellings have either been received, approved or are pending approval within Fordham. This represents a 40% increase in its base housing stock, to be delivered in the next three to five years.
- 7.10.3 In this case, the benefits to which positive weight can be given are firstly, the provision of up to 52 dwellings which would add to the District's housing stock. Given the reduction in weight attached to Policy GROWTH 2 should only be limited, it is considered that this benefit should be given only moderate weight.
- 7.10.4 The generation of construction activity, should be attributed limited weight as this is temporary, support for the local economy, should be given limited weight given the level of growth already anticipated for Fordham will ensure its sustainability as a settlement. The provision of affordable housing, new public open space and play area together with contributions to improvements to the wider highway network are also benefits. These however, are a pre-requisite of an acceptable scheme no

matter where it is located so they should be attributed very little weight in the planning balance.

- 7.10.5 Having considered the potential benefits of the development, it is clear that they can be attributed only limited weight. Certainly the benefits do not outweigh the breach of both the Development plan and Submitted Local Plan as a whole. Nor the significant weight to be attached to the post –examination Neighbourhood Plan.
- 7.10.6 The aims of the locational strategy in all three plans and indeed the NPPF is to provide sustainable housing development in a plan led way, in the most sustainable locations, in a hierarchical manner. The adverse impacts of additional housing in this location significantly and demonstrably outweighs any benefits.

8.0 COSTS

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

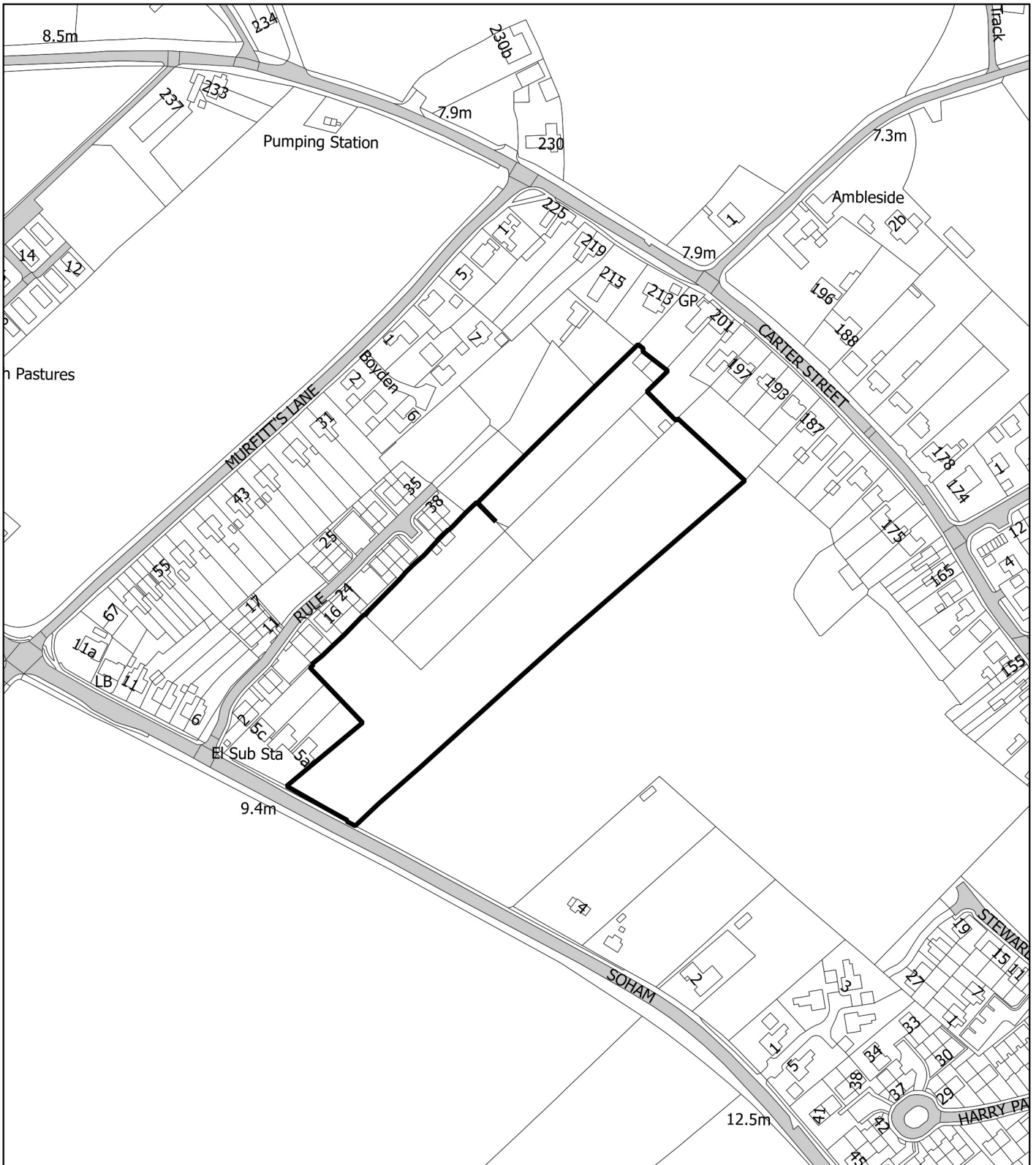
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00832/OUM	Barbara Greengrass Room No. 011	Barbara Greengrass Senior Planning Officer
17/01572/OUM	The Grange Ely	01353 665555 barbara.greengrass @eastcamb.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



18/00832/OUM

Land between
4 and 5 Soham Road
Fordham



East Cambridgeshire
District Council

Date: 19/09/2018
Scale: 1:3,000



© Crown copyright.
All rights reserved 100023279 (2017)

MAIN CASE

Reference No: 18/00933/OUT

Proposal: Erection of 3 No dwellings

Site Address: 53 Pound Lane Isleham Ely Cambridgeshire CB7 5SF

Applicant: Mr G Baxter

Case Officer: Catherine Looper, Planning Officer

Parish: Isleham

Ward: Isleham

Ward Councillor/s: Councillor Derrick Beckett

Date Received: 9 July 2018

Expiry Date: 5th October 2018

[T112]

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Limit - OUT/OUM
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Construction Times
- 5 Sample materials
- 6 Landscaping Scheme
- 7 Access- width
- 8 Gates - restriction
- 9 Parking & turning
- 10 Site Characterisation
- 11 Reporting of unexpected contamination
- 12 Foul and Surface water drainage
- 13 Permitted Dev - windows and openings
- 14 Permitted Dev - fences, gates and walls
- 15 No pruning, felling or removal of trees or hedges

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline consent for the construction of three dwellings adjacent to the site of a recently permitted dwelling. The matters to be considered are access and scale. The three dwellings would share a vehicular access.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

02/00391/FUL	Proposed four bedroom dwelling with attached double garage	Refused	10.06.2002
03/00764/FUL	Proposed 4 bedroom dwelling with attached double garage.	Approved	29.08.2003
04/00355/FUL	Demolition of existing bungalow together with the erection of a replacement dwelling and detached garage	Approved	18.05.2004
04/01218/FUL	Demolition of existing bungalow & erection of replacement dwelling & detached garage.	Approved	01.12.2004
17/00436/FUL	Proposed erection of 1No private detached dwelling and cart lodge on land at 53 Pound Lane, Isleham	Approved	11.05.2017
17/01178/FUL	Proposed erection of 1No private detached dwelling & cart lodge	Approved	01.09.2017
17/01636/FUL	Proposed erection of 1No private detached dwelling & cart lodge	Approved	03.11.2017
17/02131/VAR	To vary conditions 1 (Plans and Drawings) of the decision dated 06/11/2017	Approved	30.01.2018

of previously approved
application 17/01636/FUL
for proposed erection of 1No
private detached dwelling &
cart lodge

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site is located toward the north of Isleham and is in close proximity to the development envelope. The site is currently vacant and enclosed by a well-established hedge. Isleham holds a mixture of dwelling types and designs near this location, which are generally set back a short distance from the public highway.

5.0 **RESPONSES FROM CONSULTEES**

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

Environmental Health – Under Section 6 of this application the applicant has indicated 'no' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. As any residential property is classed as vulnerable to the presence of contamination assessment, to be attached to any planning permission granted.

In addition, due to the proposed number of dwellings and the close proximity of the existing residential properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

08:00 – 18:00 each day Monday – Friday
08:00 – 13:00 on Saturdays and
None on Sundays or Bank Holidays.

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

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

Each new property requires two bins; this contribution is currently set at £43 per property.

Senior Trees Officer - No Comments Received

Local Highways Authority – The Highways Authority has no objections in principal to this application.

I would note that this development is outside of the village boundary and as such there are no footways or lighting and none have been proposed.

CCC Growth & Development - No Comments Received

Ward Councillors - No Comments Received

Parish – Objection on grounds of the following Materials Planning Considerations.

- Emerging new plans - have already been through at least one stage of public consultation. This is clearly yet a further extension beyond our village boundary.

The latest ECDC Development Plan has undergone its first round of public consultations, with four sites being identified for the village of Isleham, with a projected number of 188 houses. Seven additional sites have also been identified, which approved would bring in further 422 houses. If approved this would bring the total number of additional new houses to 610. A 64% increase on the current number of houses in our village.

We also believe that consideration should be given to the substantial number of planning application made by individuals and property developers above those contained in the Local Plan. Over the last 6 years over 90 dwellings were permitted by ECDC, with 36 of these permitted within the last year alone!

It is important to note that our acceptance of the construction of No 53 Pound Lane was based on the fact that there was a house / building already existing on this site. This is clearly a new development on agricultural land and is clearly a further expansion beyond the recognised boundaries of our village.

We do not feel the applicant's statement that this development is meeting housing needs to be correct as there is already a significant number of similar band properties for sale in the village. Our village needs affordable housing.

- Highways Issues – traffic generation, vehicular access, highway safety.

The proposed development is on the approach / exit road to our village. There is no footpath on this side of the road and non-identified in the plans. The proposal includes another entry/ exit point onto Prickwillow Road. This is already a busy road with problems with speeding cars. We believe this additional entrance would increase the risk of existing road users.

The ongoing development of 17/00436/FUL is already adding to highways difficulties.

A recently installed MVAS positioned almost opposite the entrance to this site indicates that over 22% of cars exceed the 30mph speed limit as you enter / leave the village.

- Capacity of Infrastructure – public drainage or water systems.

We would deem the current infrastructure of our village to be totally inadequate to accommodate further growth. For example:

- With just two buses each week, Isleham has in effective, no public bus service. There is no rail station and there are no designated cycle routes to or from the village, which is served only by poor rural “B” roads. Private car ownership is a pre requisite for working adults living in Isleham.
 - The village Primary School is already at capacity and there are no proposals to extend it. The school will be significantly impacted by the Local Plan and any additional houses such as those proposed for this site will further compound this problem.
 - Secondary age students have to travel 5 miles to the nearest secondary school and there is only sparse rural local employment. Carbon private car journeys will therefore have to increase. This flies in the face of the Climate Change Act 2008 which has a target of reducing carbon emissions by at least 80% below 1990 levels by 2050.
 - Mobile phone signals and broadband speeds are not reliable enough to enable effective working from home, further compounding traffic problems.
 - There is only one small Co-op in the village, serving a current adult population of 1900.
 - Village utilities and services are already operating at or above capacity.
- Adverse Impact on Nature Conservation Interests

There is a highways drainage ditch and the land adjacent to the verge / boundary of this proposed development. This serves our village and would be detrimentally affected by this proposed development.

The objections that we raise also need to be considered against the back drop of the rural individuality of Isleham village.

- Local Financial Considerations – offered as a contribution or grant.

The proposed development does not meet current housing demands. There are sufficient houses within this style and price bracket already for sale within the village.

- Layout and Density of Building Design – visual appearance & finishing materials.

It is positioned on one of the main access points into our village and as such would detrimentally affect the aesthetics and character of our historic village.

We would deem this to be a significant over development of this site. The size and scale of this proposed developments would completely dominate the entrance to our

village. The laurel bushes which is used to screen the development is not typical of rural environment.

5.2 **Neighbours** – one neighbouring property was notified and the response received is summarised below. A full copy of the response is available on the Council’s website.

- Proposal is outside of the development envelope for Isleham.
- Not in designated housing zone.
- As permission has already been given for one other dwelling, does this mean that the policy is no longer valid?

5.3 A site notice was posted on 19th July 2018 and an advert was also placed in the Cambridge Evening News.

6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 9	Pollution
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

6.3 National Planning Policy Framework 2018

5 Delivering a sufficient supply of homes
12 Achieving well-designed places

6.4 Submitted Local Plan 2017

LP1A presumption in Favour of Sustainable Development
LP3The Settlement Hierarchy and the Countryside
LP5Community-led development
LP17 Creating a Sustainable, Efficient and Resilient Transport Network
LP26 Pollution and Land Contamination
LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.0.1 The main considerations in the determination of this application are the principle of development, the residential amenity of nearby occupiers, and the visual impact on the character of the area.

7.1 Principle of Development

7.1.1 An appeal decision (APP/V0510/17/3186785: Land off Mildenhall Road, Fordham') has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local Plan (GROWTH 2) and the 2017 Submitted Local Plan (LP3) cannot be considered up-to-date in so far as it relates to the supply of housing land.

7.1.2 In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted. Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances.

7.1.3 As the site is located in close proximity to the settlement boundary and the services and facilities on offer in Isleham, the principle of development is considered acceptable subject to compliance with other local and material planning policies and all other material planning considerations that form part of the planning balance for this application. The proposal considered by this application would make a small but positive contribution to the local housing supply in the form of three dwellings. The proposal would also be beneficial to the economy in the short term due to the construction stage.

7.2 Residential Amenity

7.2.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.

7.2.2 Plot one is located along the south boundary of the site which borders the recently approved adjacent dwelling and is 1.5 storeys in scale. The dwelling has a maximum height of 6.8m. The indicative drawings show that the proposed dwelling does not feature first floor windows to the south elevation, which prevents direct overlooking of the neighbouring dwelling. The proposed dwelling is positioned in such a way that views of the neighbouring private amenity space would be limited, and as such the proposal is considered to adequately prevent significantly harmful impacts to the future occupiers of the neighbouring dwelling.

7.2.3 Plot two is positioned between the other two proposed dwellings and also has a maximum height of 6.8m. The majority of windows are located to the west elevation

on the indicative drawings, which faces open field. The proposed dwelling is not considered to create significantly harmful impacts to the amenity of neighbouring dwellings.

- 7.2.4 Plot three is single storey in scale and is located to the northern-most dwelling on the plot. The dwelling is modest in size, with a maximum height of 6.3m. Due to the single storey scale and the distance between the dwelling and the other plots, plot three is not considered to create overlooking or overbearing on neighbouring dwellings.
- 7.2.5 Although the elevations and appearance are not formally considered as part of this application, should the elevation drawings submitted be put forward as part of the reserved matters stage, it is considered that the location and scale of the proposed dwellings would not create any significantly detrimental effects on the residential amenity of nearby occupiers and therefore complies with Policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017.

7.3 Visual Amenity

- 7.3.1 The proposed plot sizes, rear amenity space and building sizes comply with the requirements of the Design Guide SPD. In addition, the indicative elevations show that the main windows to habitable rooms face away from the road.
- 7.3.2 In terms of visual amenity, policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 require proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The proposal will create a change to the existing appearance of the settlement edge. The agent has included indicative elevations of the proposed dwellings, which are of a more rural design. Although appearance is not considered at this stage, the indicative drawings indicate that this type of design would be suitable for the location.
- 7.3.3 The maximum height of plots one and two is 6.8m, and plot three would be 6.3m. This scale is similar to other nearby dwellings and is considered appropriate for the edge of settlement location. The single storey scale of plot 3 is considered appropriate to define the stopping point of built form and provides a step-down from other two-storey development near the settlement edge.
- 7.3.4 The previous permission on the adjacent site (17/00436/FUL) removed permitted development rights in relation to any alterations or extensions, outbuildings, additional openings and fences, gates or walls, to restrict any future alterations which may be made under permitted development that might impact on the character and appearance of the settlement edge. It is considered necessary to add these restrictions as conditions to any grant of planning permission to ensure that this development does not create harm to the character of the area.
- 7.3.5 Details of materials and landscaping would be considered at a reserved matters stage, and can be secured by condition. The existing hedge surrounding the site is considered to be beneficial to the appearance of the site within the street scene

and provides a softer boundary to the site. It is important that this hedge is retained within any scheme for landscaping.

7.4 Highways

- 7.4.1 The applicant proposes to create a new driveway access off the public highway, which would be 5m in width for the first 10m. The County Highways Authority has been consulted and has stated that they raise no objections in principle to the application. Conditions are recommended to ensure that the proposal does not create impacts on highway safety. The proposal provides sufficient parking spaces for the proposed dwellings and therefore complies with policy COM8 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017.

7.5 Planning Balance

- 7.5.1 On balance, the proposal complies with planning policy and would result in the provision of three additional dwellings to the local housing supply. The application is therefore recommended for approval.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00933/OUT	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk
02/00391/FUL		
03/00764/FUL		
04/00355/FUL		
04/01218/FUL		
17/00436/FUL		
17/01178/FUL		
17/01636/FUL		
17/02131/VAR		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00933/OUT Conditions

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

Plan Reference	Version No	Date Received
P-6105-01		9th July 2018
P-6105-02		9th July 2018
P-6105-03		9th July 2018
P-6105-04		9th July 2018
P-6105-05		9th July 2018
P-6106-01		9th July 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping and layout (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00 - 18:00 each day Monday-Friday, 08:00 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 5 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 6 Prior to first occupation or commencement of use a full schedule of all soft and hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules

of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme, as well as details of hard surfacing materials and boundary treatments. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

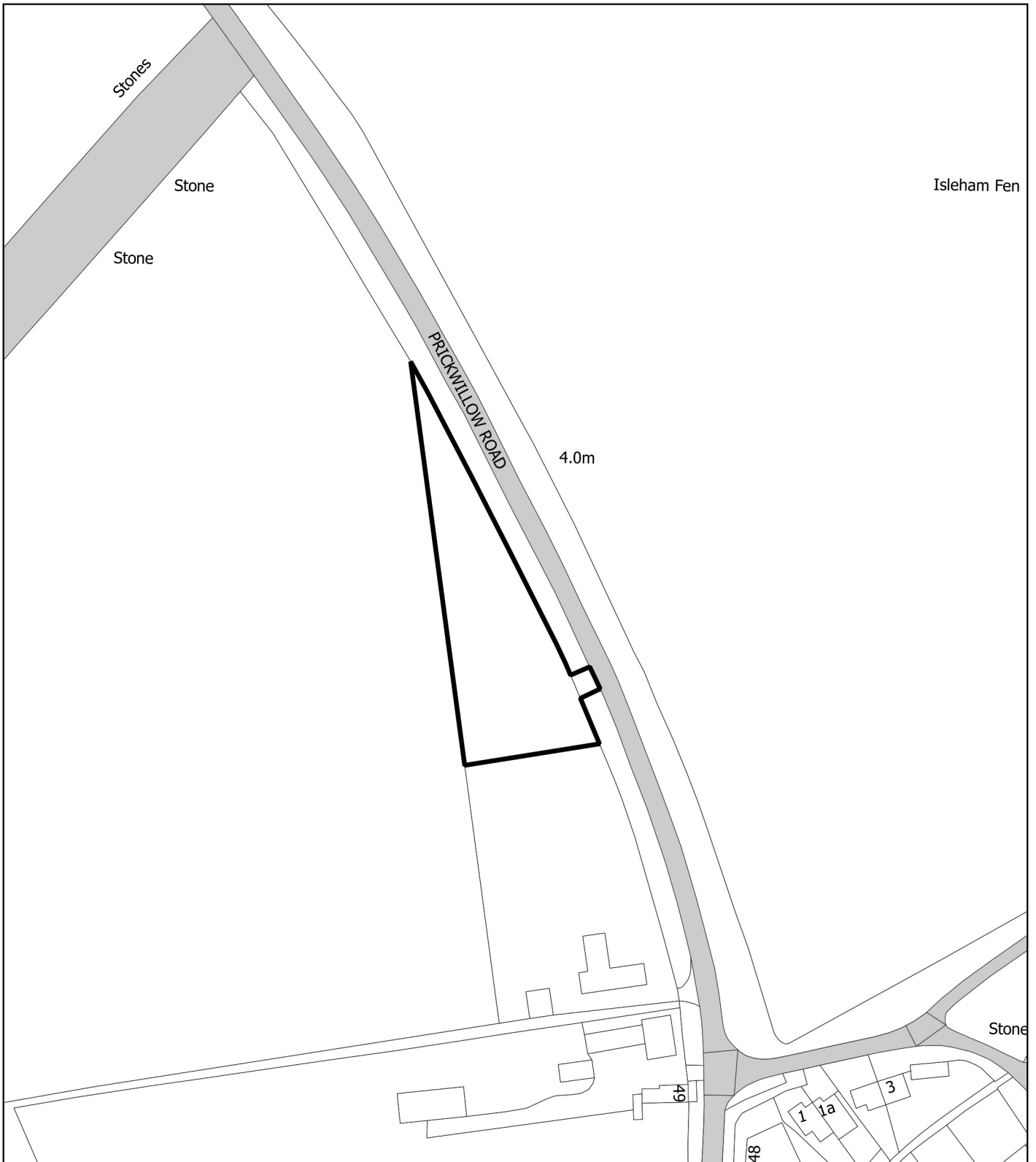
- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity. No unbound material shall be used to form the driveway surface within 5m of the highway.
- 7 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 8 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on the approved plans.
- 8 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 9 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 9 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 10 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

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

- 10 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 11 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 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.
- 12 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation
- 12 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the north, east and south elevation(s), without the prior written consent of the Local Planning Authority.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting

that Order), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse, without the prior written consent of the Local Planning Authority.

- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 15 Except as detailed on the approved plans and only for making provision for the approved access, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority
- 15 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.



18/00933/OUT

53 Pound Lane
Isleham



East Cambridgeshire
District Council

Date: 19/09/2018
Scale: 1:1,500



© Crown copyright.
All rights reserved 100023279 (2017)

Planning Performance – August 2018

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.

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validation	148	1	33	36	22	29	27
Determinations	132	5	32	35	13	19	28
Determined on time (%)		100% (90% within 13 weeks)	91% (80% within 8 weeks)	100% (90% within 8 weeks)	92% (90% within 8 weeks)	90% (80% within 8 weeks)	93% (100% within 8 weeks)
Approved	118	5	24	33	9	19	28
Refused	14	0	8	2	4	0	0

Open Cases by Team							
Team 1 (3.5 FTE)	161	14	57	5	26	59	0
Team 2 (4 FTE)	146	12	24	55	34	21	0
Team 3 (1 FTE)	61	4	24	0	7	26	0
No Team (4 FTE)	61	10	3	0	3	10	35

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

The Planning department received a total of 163 applications during August which is a 27% decrease on August 2017 (223) and 21% decrease from July 2018 (207).

Valid Appeals received – 7

Land South Of Blackberry Lane Soham – Committee Decision
 Site To West Of 10 - 20 Sheriffs Court Burrough Green – Delegated Decision
 Land North East Of Soham Road Fordham – Committee Decision
 Rear Of 12 Manor Close Witchford – Delegated Decision
 Land North Of Ness Road Burwell – Committee Decision
 Land North Of 17 - 45 Toyse Lane Burwell – Committee Decision
 Lazy Otter Meadows Caravan Park Cambridge Road Stretham – Delegated Decision

Appeals decided – 2

64 Black Horse Drove Littleport – Delegated Decision – Allowed – 24/08/2018
 Land Rear To 52 To 56 West Street Isleham – Delegated Decision – Dismissed – 30/08/2018

Enforcement

New Complaints registered – 26 (0 Proactive)
 Cases closed – 21 (5 Proactive)
 Open cases/officer (2FTE) – 188 /2 = 94 per FTE (37 Proactive)

Notices served – 0

Other Information

17/01572/OUM – Soham Road, Fordham Appeal Hearing date has been set for 16/10/2018. It will be held in the Council Chamber and will run for 1 day.

17/000893/FUM - Blackberry Lane Soham Appeal Inquiry date has been set for 11/12/2018. It will be held in the Council Chamber and will run for 3 days.

17/01371/OUM & 17/01732/OUM – Land North of 17-45 Toyse Lane & Land North of Ness Road, Burwell. Inquiry dates still need to be confirmed by the Planning Inspectorate.