



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 6th June 2018

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

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

DIRECT DIAL: (01353) 665555 EMAIL: Janis.murfet@eastcambs.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 9:30am
(Please note site visit timings are approximate)

A G E N D A

1. Apologies and Substitutions

[oral]

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

3. **Minutes**
To receive and confirm as a correct record the Minutes of the Planning Committee meetings held on (a) 4th April 2018 and (b) 24th May 2018

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

5. **17/00689/FUL**
Demolition of existing motor vehicle garage and construction of 6No four bed dwellings, 2No 3 bed dwellings, garaging, access road and associated works.
Kings Of Witcham Ltd The Slade Witcham
Applicant: Buckingham & Sparrow
Site Visit: 9:55am

6. **17/00893/FUM**
Hybrid Planning Application - Full Application for the erection of 160 dwellings and associated access, parking and open space; Outline Application for 8 Self-Build Dwellings.
Land South Of Blackberry Lane Soham
Applicant: Orbit Homes (2020) Ltd
Site Visit: 10:45am

7. **17/01395/FUL**
Loft conversion, dormer window and rear extension
33 Cambridge Road Ely
Applicant: Mr S Paragon
Site Visit: 9:35am

8. **EXT/00002/18**

CAMBRIDGESHIRE COUNTY COUNCIL

Erection of an energy from waste facility, air cooled condensers and associated infrastructure, including the development of an internal access road; office/welfare accommodation; workshop; car, cycle and coach parking; perimeter fencing; electricity sub-stations; weighbridges; weighbridge office; water tank; silos; lighting; heat offtake pipe; surface water management system; hardstandings; earthworks; landscaping and bridge crossings

Waterbeach Waste Management Park Ely Road Landbeach

Applicant: AmeyCespa (East) Limited

Site Visit: No site visit

9. **18/00326/RMA**

Reserved matters for low energy sustainable home, located within the northern boundary of N 9, High Street Witcham.

9 High Street Witcham

Applicant: Mr & Mrs James and Helen Bateson

Site Visit: 10:10am

10. **18/00349/FUL**

Proposed residential annex for family members.

Elm Lea 22 Station Road Kennett

Applicant: Mr Robin Swanson

Site Visit: 11:40am

11. **18/00379/VARM**

Variation of condition 13 (External Lights) of previously approved 16/01364/F3M for The construction of 13 dwellings consisting 8 affordable dwellings, including associated external works and parking.

Covell Corner The Shade Soham

Applicant: E.N. Sutter & Sons Ltd

Site Visit: 10:35am

12. **18/00397/FUL**

Conversion of bungalow into two separate dwellings - Plot No.1 open market & Plot No.2 agricultural occupancy.

Orwell Pit Farm Bungalow Downham Road Ely

Applicant: W R Jackson & Son

Site Visit: No site visit

13 **TPO/E/02/18**

Confirmation of Tree Preservation Order E/02/18

Land at side of 133 High Street Bottisham

Applicant: N/A

Site Visit: 12:00 noon

14. **Planning Performance – March 2018**

15. **Planning Performance – April 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@eastcambbs.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: 17/00689/FUL

Proposal: Demolition of existing motor vehicle garage and construction of 6No four bed dwellings, 2No 3 bed dwellings, garaging, access road and associated works

Site Address: Kings Of Witcham Ltd The Slade Witcham Ely
Cambridgeshire CB6 2LA

Applicant: Buckingham & Sparrow

Case Officer: Oli Haydon Planning Officer

Parish: Witcham

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

Date Received: 20 April 2017 **Expiry Date:** 8th June 2018

[T14]

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Sample materials
- 4 Foul and Surface water drainage
- 5 Site Characterisation
- 6 Reporting of unexpected contamination
- 7 Footpath Details
- 8 Street Management and Maintenance
- 9 Construction Times
- 10 Archaeological Investigation
- 11 Standard estate road construction
- 12 Existing access - closure
- 13 Gates - restriction
- 14 Access drainage
- 15 Permitted Development Rights – Extensions and Outbuildings
- 16 Tree Protection Measures

- 17 Construction Environmental Management Plan
- 18 Biodiversity Enhancements
- 19 Great Crested Newt Survey
- 20 Bin Store Provision
- 21 Lighting Provision

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks consent for the construction of eight detached dwellings on land currently occupied by the Kings of Witcham garage and car sales facility.
- 2.2 The proposed dwellings are relatively uniform and traditional in appearance with ridge heights averaging 7.5m and several plots having detached garages. Three highway fronting dwellings are proposed with the remaining five dwellings located further into the development site.
- 2.3 The site is subject to a previous outline approval for 10 dwellings in 2013 (13/00734/OUM) and is allocated for residential development within the Submitted Local Plan 2017 for 10 dwellings in line with this outline. Historically, the redevelopment of the site has been supported by ECDC since 1988 when the demolition of the garage and erection of 8 bungalows was approved.
- 2.4 Whilst the proposal involves the loss of the Kings of Witcham garage; the applicant has stated that the business is looking to relocate within the district to a more sustainable and visible location. The previous approval concluded that “continued use for employment on the site is not viable, taking account of the characteristics of the site and its location. The use of the site for an alternative employment use is unlikely and could give rise to more unacceptable environmental or traffic issues”.
- 2.5 Amended plans have been received during the course of the application reducing the size of the dwellings and altering the layout of the site.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.7 The application has been called before Planning Committee as it concerns a site under the ownership of a Council Member. In order to maintain transparency it is considered that delegated powers would not be suitable in determination of this proposal.

3.0 **PLANNING HISTORY**

3.1

13/00734/OUM	Construction of 7 dwellings plus 3 flexible dwellings with potential for employment use	Approved	06.03.2015
--------------	---	----------	------------

12/01127/OUM	Proposed development of 10 dwellings	Withdrawn	17.09.2013
02/00097/OUT	Renewal of permission E/96/0764/O - demolition of garage and service station and erection of 8 bungalows	Refused	25.03.2002
96/00764/OUT	Renewal of planning consent E/91/0615/O - demolition of garage and service station and erection of 8 bungalows	Approved	08.03.1999
91/00615/OUT	Demolition of garage and service station and erection of 8 bungalows	Approved	15.11.1993

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is approximately 0.41 hectares in area housing a car showroom and servicing garage, together with car parking areas, and grassed areas to the rear of the main building. The building to the front of the site is the showroom/reception area, and is single storey and of brick construction under a corrugated sheet roof. It has large areas of timber windows and a 'conservatory' style office extension. Behind this building is the workshop area, consisting of a steel framed building with partial brick wall and sheet cladding, with a corrugated sheet roof.
- 4.2 The site extends behind No 8 The Slade, from which it is separated by a 1.8m close-boarded fence. It is located within the settlement boundary of Witcham, close to the boundary of the Witcham Conservation Area. The majority of the site fronts The Slade, a Class C classified road, and is in a predominantly residential area, with bungalows on either side, and a mix of single and two storey properties opposite the site.
- 4.3 The western boundary abuts residential gardens and comprises fencing and established tree and hedge planting. The southern boundary comprises a close-boarded fence and overgrown vegetation with the boundary to the north comprising existing vegetation and a 2m high hedge in parts. The eastern boundary forms the frontage to The Slade and contains the main access into the garage, with a secondary access for car sales.

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.

Witcham Parish Council – “The Council still has concerns about the application. The Council was pleased to note that the plans had been improved by the alignment of the house on Plot 1 being brought into similar line to existing properties either side

of the development, and windows and doors at Plot 1 not directly overlooking 6 The Slade. However, many of the issues raised in our response to the application in May 2017 remain unresolved". These include:

- Too many houses
- Density out of keeping with the street-scene
- Houses on the front of the site too high (outline required max ridge of 7.5m)
- Destruction of hedges
- Sewage and drainage problems
- Lack of footway

Following a reconsultation after an amendment to Plot 6 was submitted, the previously raised Parish Council comments were reiterated and overbearing concerns were raised for Plot 1.

Ward Councillors - No Comments Received

Local Highways Authority – *On original plans:* "The Highway Authority has no objection in principal to this application"

Local Highways Authority – *On amended plans:* As far as can be determined there is no proposed changes to the access with The Slade. Although this is now 5.5m wide it is still proposed that this is a private road as such I have no further comments. The internal road is not laid out and proposed materials are not to an adopted standard."

Senior Trees Officer (on receipt of tree survey) – "This application is for a small development upon the grounds of a disused motor vehicle garage. There are a number of trees at the rear of the site potentially affected by the proposal. The most significant trees are within the site boundary vegetation. An Arboricultural report has been submitted to support the application.

I support the application as a worthwhile development of a neglected site. The boundary vegetation is the most valuable landscape asset, being fairly representative of the landscape character of the area and is mostly for retention. I also accept the Arboricultural report which supports the proposal as it indicates all the significant trees can be retained within the development.

The Arboricultural report only supports an indicative tree protection plan. Therefore I recommend a condition identifying no development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority (Condition TR2A)."

Anglian Water Services Ltd - No Comments Received

County Archaeology – No objections subject to a condition requiring a scheme of investigation.

Minerals And Waste Development Control Team - No Comments Received

Environmental Health – No objections subject to conditions relating to contamination, construction times and the submission of a Construction Environmental Management Plan.

Waste Strategy (ECDC) - The Proposed plan shows no storage or collection points for wheeled bins and bags and the waste team is working on the assumption that the driveway into the site will not be adopted, therefore all residents would need to present bins and bags at the boundary of the development and The Slade which would likely cause an obstruction to visibility for vehicles leaving the site on collection days. ECDC Waste team would be prepared to enter the site to collect from individual properties if the developer can confirm the roadway will be built to adoptable standard capable of supporting the collections vehicles and is prepared to indemnify ECDC against any damage that may occur in the regular collection of bins/bags. No other comments subject to general informatives.

5.2 **Neighbours** – 17 neighbouring properties were notified and a site notice was posted and the 9 responses received are summarised below. A full copy of the responses are available on the Council's website.

- No issues, good design.
- Assurances sought that the hedge/ditch won't be disturbed during works
- Loss of light from two-storey dwellings onto dwelling and gardens of 6 The Slade
- Increase in traffic
- Impact on visibility
- Increase in parking on The Slade
- Amendments are great improvement
- No reference to waste sewerage provision on plans
- Plots 1 and 2 are very close to side boundary
- On-street parking needs to be prevented
- Impact on road safety on The Slade
- Big improvement on the outline
- Proximity of Plot 2 to neighbours
- Overlooking if windows not frosted
- Hedges should be retained and maintained
- Problems with surface and foul water
- Noise associated with neighbouring farm
- Should consult water authority
- 6 The Slade is incorrectly marked as 9 The Slade
- Overlooking into 6 The Slade from Plots 2 and 3
- Query as to why the application has taken so long to determine
- Discrimination against the disabled in the form of the lack of pavement provision within the site - contravenes Equality Act 2010.
- Impact existing failing sewer – main sewer may not be designed for the density of waste from the site. Impact on the continued use of the public sewer.
- Lack of detailed contamination survey
- High density, cramped and out of place

- Narrow access for emergency and delivery vehicles
- Should be fewer dwellings with large rear gardens and no rear development
- Noise and disturbance of 8 families moving in to the site
- No space for refuse lorry to turn in the site
- Overshadowing
- Against the low density of The Slade
- Lack of turning provision
- Impact on ecology
- Risk of flooding and water contamination
- Noise pollution from construction
- Bends on The Slade not suitable for parking
- Roadways are too narrow and would make passing difficult
- The application time-limit has expired and should be given the status of 'not decided'
- Insufficient ecology survey – applicant should undertake a nesting bird survey
- Cannot see what species of trees are assessed and whether they would qualify for TPOs
- Reduction in size of Plot 6 is insufficient and would continue to have an overbearing impact

6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

GROWTH 3	Infrastructure requirements
ENV 14	Sites of archaeological interest
GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
EMP 1	Retention of existing employment sites and allocations
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
GROWTH 5	Presumption in favour of sustainable development
ENV 11	Conservation Areas

6.2 Supplementary Planning Documents

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

Developer Contributions and Planning Obligations

6.3 National Planning Policy Framework 2012

- 11 Conserving and enhancing the natural environment
- 7 Requiring good design
- 6 Delivering a wide choice of high quality homes

6.4 Submitted Local Plan 2017

- LP16 Infrastructure to Support Growth
- 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
- LP8 Delivering prosperity and Jobs
- 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
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- Witcham 3 Allocation Sites
- LP27 Conserving and Enhancing Heritage Assets

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, highway safety, drainage and flood risk and biodiversity and ecology.

7.2 **Principle of Development**

7.2.1 The National Planning Policy Framework promotes sustainable development and states at Paragraph 49 that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

7.2.2 The adopted Local Plan aspires to deliver managed and sustainable growth over the plan period to 2031. 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; both in the form of allocations and windfalls. These settlements are the subject of Vision Statements which set out the growth aspirations for each one. The Local Plan seeks to prevent new development taking place outside the defined settlements unless certain specific exemptions are met. Wiltcham is one such settlement and the application site lies within defined development boundary for the village.

- 7.2.3 The Council is currently preparing a replacement Local Plan covering the period from 2014 to 2036. At a meeting of Full Council held on 5th October 2017, Members considered an updated report on the latest draft of the emerging replacement Local Plan (the 'Proposed Submission Local Plan') accompanied by a Five Year Housing Land Supply Report. This report was agreed by Council, which has established that East Cambridgeshire District now has a five year housing land supply; currently calculated to be 6.94 years. The Local Plan was submitted for examination on the 16th February 2018. Consequently, Paragraphs 14 and 49 of the Framework are not engaged and the housing supply policies contained in the Local Plan are no longer considered to be out of date. Paragraph 11 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. This states that "proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise". The Framework is one such material consideration and should be taken into account.
- 7.2.4 Adopted policy GROWTH 2 and emerging policies LP1 and LP3 all seek to manage new development so that it takes place in sustainable locations. In respect of open market housing, these are considered to be within defined settlements where there is ready access to shops, services and facilities that meet the day to day needs of those communities. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development outside these settlements will not be permitted except where it complies with a limited range of specified categories detailed in that policy.
- 7.2.5 The site is located within the village framework for Wiltcham and is in close proximity to the limited range of facilities and services on offer. The site has been allocated under the Submitted Local Plan for approximately 10 dwellings under policy Wiltcham 3; in accordance with the principles established by consented scheme reference 13/00734/OUT.
- 7.2.6 2015 Local Plan Policy EMP1 and 2017 Submitted Local Plan LP8 seek to retain employment sites unless it can be demonstrated that continued use of the site is no longer viable. The site was previously a Volvo dealership and in the early 1990's employed 15 people. At the time of the 2013 approval (13/00734/OUT) there were 8 employees, and the company could no longer depend on loyal customers, but needed to grow the customer base to protect and increase the workforce by relocating to a more customer-convenient location, preferably with the benefit of passing trade. The business owner has stated their intent to relocate the business within the district to a

more sustainable location. As can be seen by the planning history, a number of planning applications have been made over the years for residential development of the site, most of which were approved. The 2013 permission stated that *“continued use for employment on the site is not viable, taking account of the characteristics of the site and its location. The use of the site for an alternative employment use is unlikely and could give rise to more unacceptable environmental or traffic issues”*. Considering the precedents established throughout the planning history on the site and the desire for relocation and expansion of the business the principle of the redevelopment of the site is considered acceptable.

7.2.7 If there are other material planning considerations that weigh in the development’s favour then those should be considered carefully in the planning balance to assess whether or not they should prevail. The remainder of this report considers those material factors before reaching a conclusion on the proposals.

7.3 Visual Amenity

7.3.1 The application seeks consent for 8 dwellings on the 0.4ha site. The existing site contains a variety of mismatched structures with corrugated roofing and an industrial aesthetic. The site offers little in its visual contribution to the street-scene and the impact of the facility being removed would be considered a visual improvement to the wider character and appearance of the area. The 8 dwellings proposed would range in their footprint whilst maintaining a similar traditional design and height of 7.5m (aside from Plot 5 with a ridge of 8m). The uniform height was recommended as part of the previous approval on the site (13/00734/OUM), for 10 dwellings, whereby it was conditioned that the dwellings do not exceed 7.5m in ridge height.

7.3.2 The proposal’s overall density and built form has been reduced through amendments and represents a density of 20 dwellings/ha (8 dwellings/acre). This is not considered excessive and would not be out of place in this village, which has areas of higher densities than this. The two main residential developments in the village to the west of the site have higher densities than the proposal; namely The Orchards (22 dwellings/ha) and Westway Place (28 dwellings/ha) whilst Witcham High Street represents a relatively dense linear pattern to the east of the site. It is considered that visually the development will not appear out of keeping with the densities exhibited elsewhere in Witcham and thus maintain a level of visual cohesion with the rest of the village. Additionally, considering the potential visual impact of the allocated 10 dwellings (a density of 27 dwellings/ha), the density proposed by these 8 dwellings would be a visual benefit of this smaller scheme.

7.3.3 The design of the dwellings is that of a traditional village dwelling, the materials palette will be secured by condition to ensure a level of cohesion within the site and also within the wider area. Although the two-storey development would be positioned between 2 single-storey dwellings, the street-scene along The Slade is characterised by a mix of dwelling styles and scales, with two large single-storey dwellings located adjacent to the neighbouring plot to the south and a prevalence of two-storey dwellings along the eastern side of the road. The presence of this scale of development would not appear out-of-keeping with the wider area and not disrupt the visual character of the southern edge of Witcham.

- 7.3.4 As the site comprises three frontage dwellings with others at the rear, the impact on the street scene is not considered 'crowded' or detrimental to the character of The Slade; furthermore, the frontage dwellings will somewhat shield those behind from general public view, creating a cul-de-sac, which would not be unusual in a small village. The frontage dwellings will have their parking areas to the front, facing The Slade. Considering the prevalence of vehicles at the front of the existing business site this is not considered to cause significant visual harm. Furthermore, the garages proposed for the plots to the rear are modest and do not represent an incongruous additional built form within the site.
- 7.3.5 In order to prevent the site becoming cramped with built form, permitted development rights for outbuildings and extensions have been removed for several of the plots within the site.
- 7.3.6 The site is located outside, but in close proximity to, the Witcham Conservation Area. It's considered that due to the existing development on the site, the layout and design of the proposal and its distance from Conservation Area boundary that there will be no adverse impact on the setting of the conservation area. The proposal is therefore compliant with 2015 Local Plan Policy ENV11 and 2017 Submitted Local Plan Policy LP27.
- 7.3.7 Considering the current business use of the site and the nature of the existing commercial buildings, the size of the dwelling's proposed and the existing permissions on the site, the proposal is considered to have satisfied the requirements of Policies ENV2 and LP22 in relation to design and the impact on the existing landscape features on the site does not conflict with Policies ENV1 and LP28

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. There are a number of residential properties within close proximity to the site with the dwellings at 6 and 8 The Slade most significantly impacted upon.
- 7.4.2 The proposed development comprises three highway fronting dwellings with the remaining five occupying the land to the rear. The site is located between two existing dwellings, the aforementioned 6 and 8 The Slade, with the rear of the site leading onto the large garden of 2 The Slade. To the south lies the yard of Slade Farm and opposite the site is a linear form of development comprising a range of dwelling scales and plot sizes.
- 7.4.3 The change of use from vehicle serving garage to a residential development will clearly have an impact on the outlook and amenity of these neighbouring properties and they will be likely to experience a decreased level of noise and activity disturbance from the loss of this business. However, the redevelopment of the site to residential is likely to give rise to additional aspects of residential amenity that need to be assessed.

- 7.4.4 Both 6 and 8 The Slade are single-storey dwellings located adjacent to the north and south site boundary respectively. Plots 1 and 7 of the proposal are modest 7.5m high dwellings with a traditional design. Neither dwelling has any proposed first-floor side-facing windows ensuring no directly overlooking impact to the side. With regards to overbearing to the rear; Plot 7 has no rear-facing first-floor bedroom windows and whilst Plot 1 has two rear-facing bedroom windows, the angle of overlooking and the obscurity created by the proposed garaging of Plot 2 and the existing garage of 6 The Slade renders this overlooking somewhat awkward and unlikely to cause significant harm. The building line of the two plots and their neighbours' are very similar and their proposed depth is approximately 6.3m, ensuring that the proposed dwellings do not have an unacceptable overbearing impact. An amendment was sought to reduce the two-storey length of Plot 6 as its impact on 8 The Slade was considered to lead to a harmful loss of outlook and an overbearing impact. This amendment was submitted and on balance it's considered that the impact on the dwelling and amenity space at 8 The Slade is acceptable. Furthermore, the overally shallow nature of the proposed dwellings will ensure that any loss of light to the neighbouring dwellings is minimal.
- 7.4.5 The dwellings on the opposite side of The Slade to the proposal are at least 30m away from the front boundary of the site and a further 16m to the main elevation of the frontage dwelling. These separation distances are sufficient to mitigate against any overlooking or overbearing impact.
- 7.4.6 Residential amenity within the site itself has been addressed through effective positioning of habitable rooms and ensuring separation distances between plots avoids any harmful levels of overbearing. Furthermore, sufficient private amenity spaces has been provided for the 8 dwellings in compliance with the SPD Design Guide 2012.
- 7.4.7 The impact of noise and disturbance from vehicular movements to and from the residential development is unlikely to represent any exacerbation when compared to the existing levels of noise arising from the business site at present.
- 7.4.8 Slade Farm is located adjacent to the site's southern boundary and could represent a source of amenity impact to the future residents of the site. However, the main farmyard is some 60m from this boundary with the main farm building dividing these two sites. A 2009 permission for a dwelling (09/00784/FUL) is located in closer proximity to the site and the existing dwelling at 10 The Slade is also adjacent to this farm operation. It is considered that the existing principle established on the site and the separation distances between the farm and the development are sufficient to avoid any significantly detrimental harm to the future occupiers of this scheme.
- 7.4.9 On balance it is considered that subject to appropriate conditions, the proposal complies with Policies ENV2 and LP22 in relation to residential amenity.

7.5 Highways

- 7.5.1 The Local Highways Authority have raised no concerns with the proposal, subject to previously recommended conditions as part of the 2013 application (13/00734/OUM). Each plot has been provided with two parking spaces (in a parallel arrangement) along with a double garage in accordance with the parking

standards within COM8 of the 2015 Local Plan and LP22 of the Submitted Local Plan 2017. Furthermore the development is served by a 5.5m wide private driveway and adequate visibility splays and turning areas.

- 7.5.2 Concerns have been raised regarding the accessibility of the proposal due to a lack of footway within the site; it's considered that the private driveway would form a shared-surface for pedestrians and vehicles to access the five dwellings towards the rear of the site.
- 7.5.3 With regards to concerns around a potential increase in on-street parking arising from the proposal's implementation; the highways officer addressed these concerns as part of the previous proposal. They stated that "parking controls in this location are not appropriate, that there is reasonable visibility, that on-street parking might serve to slow traffic down, and that this would not be a reason for refusal of the application". The scheme is a reduction on the previously approved (and allocated) 10 units and it is not considered that there would be significant and demonstrable harm caused to the efficiency and usability of the highways network as a result of the proposal.
- 7.5.4 A new footpath is proposed within the highway verge from the site to the Silver Street junction to provide pedestrian access to the centre of the village. County Highways are content with this provision and have recommended planning conditions in respect of the footpath link and internal road/parking arrangements; vehicular access over the County highway; the layout of parking/turning, minimum carriage width, and radius kerbs; and highway drainage details. With these conditions in place it is considered that the proposal would meet policy requirements in respect of safe access, safety of the highway and appropriate parking arrangements. It is therefore considered to comply with Policies COM7, COM8, LP17 and LP22 in this regard.

7.6 Ecology & Trees

- 7.6.1 Whilst the majority of the site is currently in use for the vehicle garage and servicing facility; the rear of the site contains a number of mature trees and hedging with a ditch and nearby ponds also in proximity of the site. A trees survey and ecology report were therefore requested as part of the application. The Trees Officer supports the application as a worthwhile development of a neglected site. The boundary vegetation is the most valuable landscape asset and is mostly for retention. Furthermore, the submitted reports stated that all the significant trees can be retained within the development.
- 7.6.2 With regards to ecology, a survey was completed and submitted to the Local Planning Authority. The survey concluded that the habitats on the site are of low to moderate ecological value although the terrestrial habitats on the site were considered suitable for Great Crested Newts. Surveys within the vicinity indicate a large population of GCNs albeit mostly to the east of The Slade. The survey recommended outline mitigation measures considered adequate for a high population of GCNs. In order to inform a more detailed strategy, up to date surveys will be required. It is considered that in this instance, as the site is allocated for residential development and an updated mitigation strategy can be adhered to through the progression of works on site that it would be reasonable to condition an

updated survey report prior to construction. Furthermore, any works affecting great crested newts would require a mitigation licence from Natural England.

- 7.6.3 Following discussions with the ecologist responsible for the report, they have stated that “as we already have fairly recent data, as far as I am concerned it would be reasonable to condition an update survey prior to construction and the updated mitigation strategy can be adhered to through the discharge application”.

7.7 Flood Risk and Drainage

- 7.7.1 The site is located in Flood Zone 1, where the majority of development should be directed. The applicant proposes to incorporate surface water drainage into the scheme through the use of SuDS and the existing drainage channel on the site. A connection to the existing foul drainage system on The Slade is also proposed. Concerns have been raised regarding the foul water capacity of The Slade; Anglian Water were consulted on the application but no comments were received. Implementation of the drainage scheme will be subject to approval of the Building Control department when the capacity of the existing system will be scrutinised and assessed. It is considered that the submission of a detailed surface water drainage scheme can be secured by condition.

7.8 Other Material Matters

- 7.8.1 The Environmental Health department have recommended conditions relating to contaminated land surveys, construction timings and the submission of a Construction Environment Management Plan; to help safeguard the amenity of nearby residents during the construction phase.
- 7.8.2 The County Archaeology department have requested a written scheme of archaeological investigation, to be secured by condition.

7.9 Planning Balance

- 7.9.1 The proposal would provide the following benefits:- the provision of an additional 8 residential dwellings to the district’s housing stock in a sustainable location which would be built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.
- 7.9.2 The principle of development has been established through existing planning permissions and the allocation of the site in the 2017 Submitted Local Plan. The existing business on site has previously been considered unsustainable in its current location is to be relocated in order to expand and secure future viability.
- 7.9.3 The proposal is not considered to cause significant or demonstrable harm to the visual amenity of the area. Subject to appropriate conditions it is also considered that the proposal will not have a significant detrimental effect on residential amenity. The applicant provides sufficient parking and does not negatively impact on the highways network. The applicant has also provided acceptable information in regards to trees, ecology and drainage, all of which can be secured by way of condition.

8.0 **APPENDICES**

8.1 Appendix 1 – List of Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00689/FUL	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555 oli.haydon@eastca mbs.gov.uk
13/00734/OUM	Ely	
12/01127/OUM		
02/00097/OUT		
96/00764/OUT		
91/00615/OUT		

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 - 17/00689/FUL Conditions

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

Plan Reference	Version No	Date Received
16:151-0		20th April 2017
16:151-8		14th December 2017
16;151-1	TOPOGRAPHICAL	14th December 2017
16:151-4	B	14th December 2017
16:151-5	B	14th December 2017
16:151-7	A	14th December 2017
16:151-6	B	23rd April 2018
ECOLOGY SURVEY		19th January 2018
ARBORICULTURAL REPORT		11th February 2018
16;151-2	C	23rd April 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 of any of the dwellings.
- 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.
- 5 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.

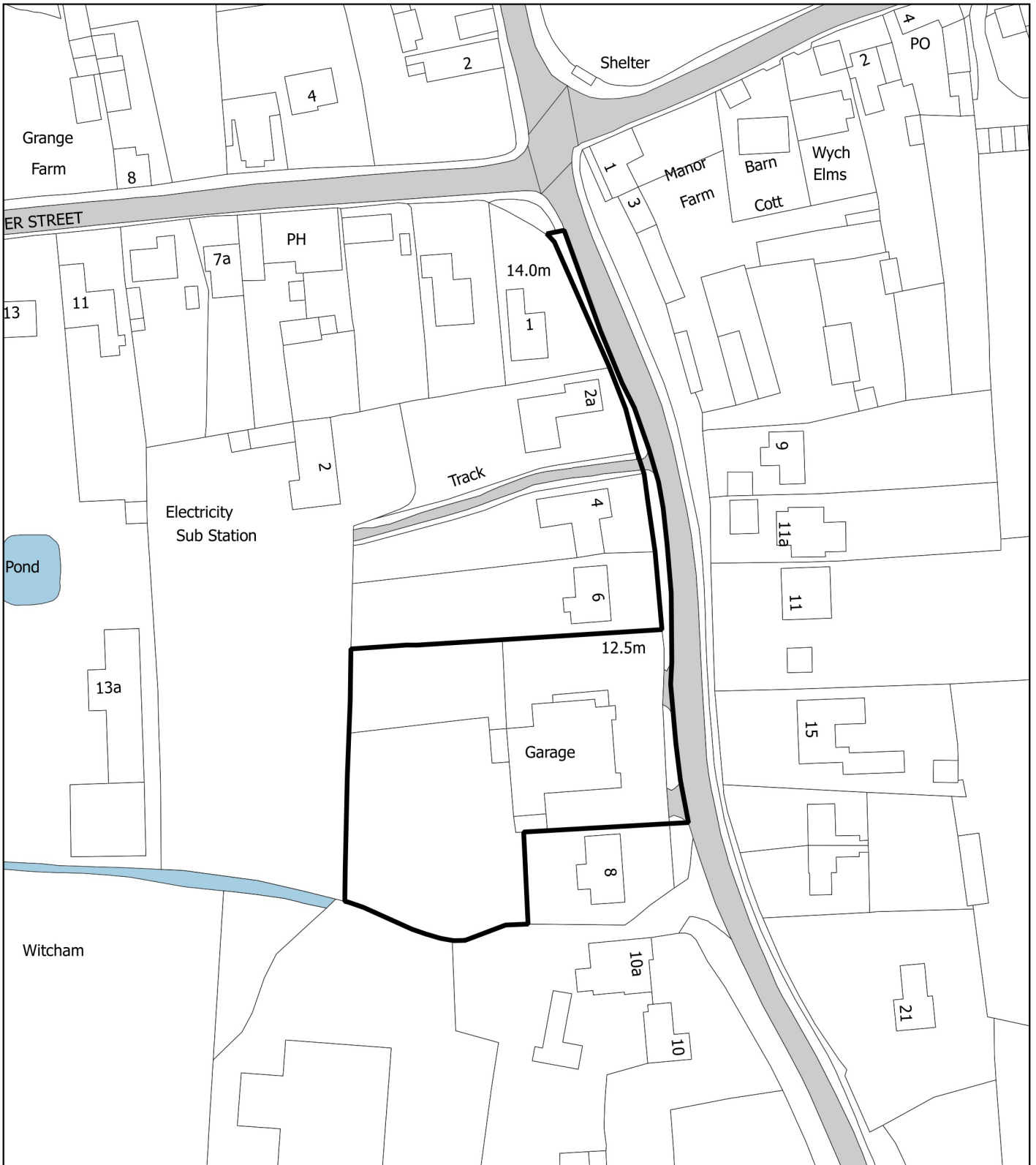
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, 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 No development shall take place until full details of the footway link to Silver Street including its construction have been submitted to and approved in writing by the Local Planning Authority. The footway link shall be completed prior to first occupation.
- 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into onto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

- 8 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.
- 9 Construction works on the site shall not be undertaken outside of the following hours: 8.00 - 18.00 Monday to Friday; 8.00 - 13.00 on Saturdays; and at no time on Sundays and Public and Bank Holidays.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 10 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 10 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 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.
- 11 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on Drawing 16;151-2.
- 11 Reason: To ensure construction of a satisfactory access, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 12 The existing access(es) to Kings of Witcham shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority, within 28 days of the bringing into use of the new access.
- 12 Reason: To ensure construction of a satisfactory access, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 13 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on Drawing 16;151-2 (B).
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.

- 14 The access 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.
- 14 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.
- 15 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), Plots 1, 2, 3, 4, 5, and 6 (as shown on Drawing 16;151-2 (B) shall not be extended in any way, and no structures shall be erected within the curtilage of these dwellings, without the prior written consent of the Local Planning Authority.
- 15 Reason: To safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers and to ensure that the trees on site are adequately protected, in accordance with policy ENV2, ENV1 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP22, LP28 and LP30 of the Submitted Local Plan 2017.
- 16 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 16 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 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.
- 17 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.
- 17 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 The biodiversity improvements outlined in Section 8 of the Greenlight Ecological Appraisal shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 18 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 19 Prior to the commencement of development a survey of the proposed development site shall be carried out to search for evidence of terrestrial Great Crested Newt habitats prior to submission to the Local Planning Authority. If evidence of a terrestrial population is found then a detailed mitigation strategy outlining measures to limit the disturbance of Great Crested News shall be submitted to and approved in writing by the Local Planning Authority and implemented in full.
- 19 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 20 Prior to first occupation the details of the bin store shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be implemented in accordance with the agreed details before any of the hereby approved dwellings are occupied.
- 20 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.
- 21 Prior to first occupation, details of the proposed external lighting shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be implemented in accordance with the agreed details before any of the hereby approved dwellings are occupied.
- 21 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.



17/00689/FUL

Kings of Witcham Ltd
 The Slade
 Witcham



East Cambridgeshire
 District Council

Date: 19/03/2018
 Scale: 1:1,250



© Crown copyright.
 All rights reserved 100023279 (2017)

MAIN CASE

Reference No: 17/00893/FUM

Proposal: Hybrid Planning Application - Full Application for the erection of 152 dwellings and associated access, parking and open space; Outline Application for 8 Self-Build Dwellings.

Site Address: Land South Of Blackberry Lane Soham Cambridgeshire

Applicant: Orbit Homes (2020) Ltd

Case Officer: Andrew Phillips Senior Planning Officer

Parish: Soham

Ward: Soham South

Ward Councillor/s: Councillor Hamish Ross
Councillor Ian Bovingdon
Councillor Dan Schumann

Date Received: 23 May 2017

Expiry Date:
16 April 2018

[T24]

1.0 **RECOMMENDATION**

1.1 Members are recommended to delegate approval of the application to the Planning Manager subject to the completion of a S106 Agreement and the following conditions (see Appendix 1 for full wording of conditions):

1. Approved Plans
2. Time Limit
3. Highway Improvements
4. Unexpected Contamination
5. Construction Environment Management Plan (CEMP)
6. Detailed Waste Management and Minimisation Plan
7. Archaeology
8. Fire Hydrants
9. Sustainability
10. Biodiversity Improvements
11. Road Construction Standard
12. Road Maintenance
13. Materials
14. Boundary Treatments

15. Tree Protection Measures
16. Highway access onto Blackberry Lane
17. Highway Improvements to Regal Land/Brook Street
18. Highway Drainage
19. Drainage
20. Soft Landscaping
21. Hard Landscaping
22. Construction of bund – timing
23. Flood Mitigation
24. Public Footpaths
25. Outline condition
26. Outline implementation timeframe
27. Self Build Phasing
28. Construction Times/Deliveries
29. Surface water
30. Biodiversity Improvements

2.0 SUMMARY OF APPLICATION

- 2.1 The proposed dwelling numbers have been reduced from 168 (8 self build outline application) to 160 (8 self build outline). The reduction in number is to seek to overcome design/noise issues raised by the case officer during the determination of the application. The latest set of major amendments was submitted on the 31 January 2018, with relatively smaller changes submitted on the 15 March 2018. The March 2018 changes make minor tweaks to the layout that have mainly tidied footpath details and has increased the amount of public open space slightly on site. In addition this March 2018 amendment provided additional information on how the landscape (most importantly the living willow fence) will be maintained. The developer has been in communication with the Environment Agency during April/May with the Environment Agency withdrawing its objection on the 23 May 2018. The amended flood risk assessment was submitted on the 4 May 2018.
- 2.2 The proposal also includes a noise barrier (max 5 metres above ground level) along the eastern boundary that is a mix between earth bund and acoustic fence. In addition to this the proposal also seeks to provide public open space, as well as the usual required infrastructure.
- 2.3 The application requires to be determined by Planning Committee, due to the Council's constitution of delegated powers. Cllr Ross has also expressed interest in this application being determined at Planning Committee.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

17/00926/SCREEN	SCREENING OPINION - Erection of 168 dwellings (8 self build plots) and associated access, Parking and Open space.	Opinion Issued	22.06.2017
-----------------	---	-------------------	------------

4.0 THE SITE AND ITS ENVIRONMENT

4.1

The site is located on the eastern edge of Soham, between Regal Lane to the west, Blackberry Lane to the north and Longmere Lane running from southwest – south. It is allocated in both the Adopted Local Plan (SOH5) and the Submitted Local Plan (SOH.H5).

4.2

The site is included within the village framework. It is partially within floodzones 2 and 3 (northwest corner). There are two TPOs on site and is within 2000m of a SSSI. A Public Right of Way crosses the site.

5.0 RESPONSES FROM CONSULTTEES

5.1

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

Soham Town Council (5 July 2017) – It has concerns over the proposal. Its concerns are in regards to:

- The Traffic Survey is from 2011 and questions if this data is new enough and is comprehensive enough.
- No consideration of traffic flow and levels to the new Southern Bypass.
- Proposal assumes car ownership for dwellings will be low.
- Wishes to ensure there is no water pollution.
- Wants to ensure no harm to ecology.

(31 July 2017) – Repeats previous concerns.

(6 September 2017) – No concerns.

(4 December 2017) – No concerns.

(1 March 2018) – Could not meet due to weather conditions, so no new comments for this application.

(4 April 2018) Raises concerns in regards to clearer definition of maintenance needed and suggest a one way loop for traffic in the centre of the proposed development.

Cllr Ross – (21 March 2018) Seeks for this application to be called in order to ensure the issues of traffic, highway entrance and drainage (foul and surface water) are fully considered.

Strategic Planning Manager – (20 June 2017) Whilst it will be a matter for Full Council to decide it is his current view that any policy wording for any site in Soham should not make reference to the need for a new/or improved crossing over the A142.

Based on comments from Natural England and Wildlife Trust it would appear inappropriate for a contribution to be sought to provide a crossing over the A142.

(23 March 2018) Sought to provide clarity to the Case Officer. The number of dwellings allocated on site was reduced on a much wider principle of enabling a more substantial buffer zone, for the benefit of landscaping, to assist noise attenuation, air quality and reduce the need for visually intrusive bunds.

Should be noted that the Witchford appeal was not just about mechanical ventilation but any form of acoustic ventilation.

Natural England – (27 July 2017) It has no objection. It does not consider that the proposal will have any significant adverse impacts on the Soham Wet Horse Fen Site of Special Scientific Interest (SSSI).

It states that people are putting pressure on the SSSI through water pollution, changes to water levels and recreational pressure (walkers trampling vegetation etc).

The developer's consultants have since worked with Natural England and the Wildlife Trust to identify a solution to the effects of increased recreational pressure from housing developments in Soham. The provision of large wildflower informal open space will help ensure people have somewhere to walk/exercise dogs on site and for this reason put less pressure on the SSSI.

Considers that it is unlikely that cat predation will pose any threat to the SSSI.

Considers that the surface water drainage of the scheme is unlikely to impact the SSSI.

It welcomes the enhancement measures proposed in chapter 5 of the Ecological Impact Appraisal.

(22 February 2018) Proposed amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.

Wildlife Trust – (16 August 2017) The Trust comments that it does not object.

The proposal avoids adverse impact on Soham Wet Horse Fen SSSI and provided mitigation for the Soham Commons County Wildlife Sites and East Fen Common and the Wash in particular. It achieves this through funding a mitigation and enhancement strategy for the Soham Commons and by increasing the amount of informal Open Space on site from 0.8 hectares to 1.24 hectares.

Trust welcomes the biodiversity enhancement measures and should be secured by way of a condition.

The Green Infrastructure should incorporate a range of semi-natural habitats. It should also allow for a circular route for dog walking (ideally 2.6km) and be well connected to the wider network.

Environmental Health – (29 June 2017) The Environmental Health Officer is seeking more supporting information to how the noise levels were calculated.

Seeks that the noise from Regal Lane Industrial Estate is considered by the developer, though currently there are houses closer to the industrial units and no complaints have currently been received.

The noise impact assessment finds that a 3m barrier/screen will be required along the site boundary with the A142 bypass. It also indicates that if windows remain closed, internal noise levels will be acceptable with standard double glazing. External noise levels will be acceptable and boundary garden fencing will improve this.

From an Environmental Health point of view it can be demonstrated that the proposal will meet governmental guidelines for both external/internal noise levels. However, they do comment that they understand the Local Planning Authority have to consider the fact of keeping windows closed and ventilation requirements against residential amenity standards.

The design and layout should be carefully considered trying to locate non-sensitive rooms away from the noisier facades.

It seeks to ensure that public open space meet the 55dB 16 hours World Health Organisation requirement.

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

(10 August 2017) Confirms they have read the new noise impact assessment dated 29 June 2017.

The report concludes that there would be a requirement for acoustic glazing and ventilation, the noise consultant considers the details of these should be approved prior to installation.

(31 October 2017) No additional comments to add.

(20 February 2018) As a result of the changes the developer has made to the proposed layout, additional screening and internal layout it is concluded that the site can be developed for residential use, with reasonable daytime and night time internal levels achieved, without the need for windows to be closed and alternative ventilation provided.

External amenity at all properties will meet the guideline criteria with BS823:2014.

In addition to the A142 noise levels now being mitigated the nearby industrial areas will not have any significant adverse impact on the proposed dwellings.

Conditions should be used to secure a Construction Environmental Management Plan and hours of construction.

(14 March 2018) Confirmed that windows even when partially open have a sound reduction of 15dB and this is sufficient to achieve reasonable internal sound levels.

Environmental Health (Scientific Officer) – (12 July 2017) Having read the submitted information concludes that a site contamination investigation is not required. However, does recommend that an unexpected contamination condition should be attached.

Lead Local Flood Authority – (22 June 2017) Objects to the proposal at the current time due to:

- Insufficient information in regards to infiltration rates. Any testing should be in accordance with BRE DG 365/CIRIA 156.
- The south of the site was recorded as having high ground water but no further detail has been granted.
- Developer has not demonstrated that sustainable drainage systems will be used on the south side of the site.
- Developer has proposed a below ground water system but it is standing advice that above ground surface water drainage should be first explored.
- Pumping of surface water is an unsustainable drainage method and preference is for a gravity led system. If pumps are the only option the developer would need to prove what would happen if the pumps failed, attenuation storage was full and a storm occurred.

(31 July 2017) It is still unable to remove its objection, as it has concerns over the infiltration test.

It accepts the applicant's proposal to use a pump system.

(22 February 2018) Amendments do not affect their comments.

(22 March 2018) No objection in principle but does seek a condition to ensure that the surface water is suitably drained.

(21 May 2018) Requests a condition.

Environment Agency – (5 March 2018) The site is partially within floodzones 2 and 3. It is for the Local Planning Authority to determine if the proposal meets the Sequential Test.

It objects to the proposal on the grounds of an unacceptable Flood Risk Assessment (FRA).

The FRA does not comply with the requirements of the National Planning Policy Framework paras 102 and 103, as well as policy ENV8 of the East Cambridgeshire Local Plan.

The FRA fails to demonstrate:

- That a sequential approach has been taken to the site layout, with more vulnerable development located in areas at lowest risk of flooding.
- That the proposed development will be safe for its lifetime and that safe access is achievable at times of flood.
- That the proposal will not cause increased flooding elsewhere.
- An assessment needed of the effects of climate change on flood risk using appropriate climate change allowances.

A revised FRA needs to be submitted overcoming its concerns.

(3 April 2018) No comments to add to its previous concerns dated 5 March 2018 and made it clear it was unable to withdraw its objection.

(23 May 2018) The Environment Agency withdraws its objection but seeks a condition to ensure the development complies with the submitted information.

Anglian Water – (28 June 2017) States that there are assets owned by them within or close to the development and requests an informative on any decision.

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

Seeks a condition to prevent downstream flooding and a foul water strategy.

Middle Fen and Mere Internal Drainage Board – Site drains into the Soham Lode which is an Environment Agency Main River. The Board has no comments on this application.

Waste Strategy (ECDC) – (31 May 2017) Seeks to know which roads will be adopted. The size of the green spaces within the development, they would expect the developers to provide suitable litter and dog bins for the areas.

States that ECDC will not enter private property to collect waste/recycling and expects residents to bring sacks/bins to the public highway. States that in accordance with RECAP Waste Management Design Guide a resident only should take a wheeled bin 30m max to a collection point.

Provides usual guidance regarding the provision of bins.

Tree Officer – (22 June 2017) Recommends that a full Arboricultural Impact Assessment is provided to ensure the proposal can be achieved without damage to the trees to be retained.

Does have concerns that the development is unnecessarily close to the trees in the southern section of the site; recommends a revised layout to reduce the pressure on these trees.

(4 October 2017) The area is clearly visible to the public from the main highway and local footpaths. Two Oak Trees are protected by a Tree Preservation Order (E/11/17).

Objects to the proposal as it seeks to remove a protected Oak Tree and there is clear potential to revise the scheme.

While makes it clear they do not have professional qualifications in landscape and recommend a professional landscaper is consulted.

They state:

- Maintenance of public open space and street tree planting will need to be secured.
- Sufficient space will be required for all tree planting.
- Sufficient space between existing trees and dwellings to minimise potential nuisance.

(6 February 2018) States:

“This application is for a large scale development within a rural area of the Town of Soham. There is an industrial area to the South and the site is bordered by a bypass to the East of the site. A charming path (Longmere Lane) runs along the South of the site, this path includes the most substantial trees impacted by the proposal and offers the majority of the existing landscape interest to be retained. A Tree Preservation Order affect two Oak trees, retained within the proposal.

I am in support of the revision of this application that retains the protected trees and some effort has been made to increase open space provision with additional tree planting.

The landscape design has some positive aspects. The open space to the South of the site maintains some of the character of Longmere Lane while, the central public open space has value although it is highly overlooked and encircled by roads.

However I do have a number objections to be considered:

The design offers no street tree provision, it appears that the large-scale developments within the District continue to offer little or no street tree provision although, I am unaware of a policy which supports this. While the County design document Housing estate road construction specification 2013 Section 21.03 supports tree planting in the highway verges and tree pits.

If no street tree provision is allocated, I fear this will have a long-term detriment to the character of the District if allowed to continue.

The bund design adjacent the A142 highway is in my view, inappropriate. The 2.5m bund with Willow fence will require intensive management to be effective. Management agreements for this will need to be clear and enforceable from the outset if this design is adopted yet, I consider a revision is required. The fact the bund requires a retaining wall is a clear indication of the inappropriate density of this design.

Also, aside from the management principle, I consider the bund incongruous with the landscape which would be objectionable in reference to landscape character in conflict with guidance within the draft local plan (ENV1: Landscape and settlement

character). The current boundary planting adjacent the bypass is minimal and will do little to support the bund in the landscape. It appears that this design minimises the green space transition to increase housing allocation.

A current precedent for bypass boundary landscaping in the District (West of Ely) is to have a transitional green space between the rural, agricultural landscape and the settlement areas. I fear this development will set a new precedent to intensify development on the settlement boundaries and bypasses, creating a sharp transition between urban and rural landscape and with the vast visual aspects that are available within the Fenland landscape, a distinctly negative change of landscape character could result.

The housing provision adjacent the Southern corner of Longmere Lane is clearly too close to the trees to be retained to be viable. I foresee that these properties will be intensively shaded by the trees as the trees stand to the South of the properties, aside from the management issues they will present to the occupants by overhanging their garden space.

Also the character of Longmere Lane will clearly be significantly impacted with housing in close proximity.

In conclusion I feel the landscaping of this proposal is insufficiently designed to balance development with wider landscape character and insufficiently provisioned in relation to green infrastructure.

I strongly advise you refer to a landscape consultant for detailed assessment of these plans to advise upon changes that may be useful.”

(16 March 2018) States:

“The details within the landscaping maintenance scheme appear comprehensive. I am afraid that they surpass my area of expertise and I advise you refer them to a Landscape Consultant for full consideration.

It appears that the maintenance of the bund vegetation is to be conducted on an annual basis or as required by operatives using hand and power tools. Therefore consideration to the provision of this service will be an important issue, if the application is approved. However, I continue to recommend a revised scheme on the basis of a negative visual impact to the landscape of the scheme and additional concerns raised within my previous comments.”

CCC Growth & Development – (12 June 2017) States that a holistic view of Soham has been taken and it is also for ECDC to satisfy themselves that the development is adequately mitigated through either existing provision, CIL or S106.

States that Early Years, Primary Need and Secondary Need will all be full if planned developments go ahead.

County Council is seeking:

- £720,018 for Early Years
- £490,922 for Primary Need

- £641,342 for Secondary Need
- £17,690.40 for Libraries and Lifelong Learning.

CCC Growth and Economy Service – (12 June 2017) States that there has been no consideration of the planning policies of the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011, the Site Specific Proposals Plan 2012 or the adopted RECAP Waste Management Guide 2012.

The site falls wholly within the Mineral Safeguarding Area for sand and gravel and although the site is allocated in the East Cambridgeshire Local Plan the proposal still requires to ensure that the mineral is extracted during the course of the proposed development and put to a sustainable use. The use of the minerals can be on or off site.

It seeks conditions to be placed in regards to the requirement of a Construction Environment Management Plan (CEMP) and a Detailed Waste Management and Minimisation Plan.

Historic Environment Team – (3 July 2017) States that the site is in an area of high archaeological potential.

Seeks an archaeological investigation scheme condition to be agreed prior to any demolition or development.

(2 August 2017) The additional information submitted demonstrates the presence of important archaeological assets relating to the Early Iron Age and Early to Middle Saxon periods. A condition requiring archaeological investigation is, therefore, still needed prior to development.

(15 March 2018) States that amendments to the above planning application and this does not affect their previous advice.

East Cambridgeshire Access Group – (14 June 2017) States that the estate will cause road issues/traffic increase in Brooke Street and Regal Lane. However welcomes the layout of the site. They expect the types of houses to be step free.

Local Highways Authority – (3 July 2017) It has no objections in principle but has the following comments:

- It is unable to adopt visitor parking on public open spaces.
- Shared use areas should be 6m wide with two 0.5m maintenance strips.
- All junctions leading to more than 5 properties must be laid out to County specification.
- Does not appear to be sufficient forward visibility at the corner of plot 1. A speed reducing feature is needed.
- The speed table between plots 29-120 is too long and requires altering.
- The shared use area between plots 15-23 cannot have a footway next to a shared use road
- The footpath through the public open space should be adopted by either East Cambs or the Town Council.

(20 March 2018) States:

“The highways authority required further information on this application regarding the maintenance of the trees abutting the highway. The planning officer has stated that this is due to go to committee before this information can be received.

Therefore I have been unable to determine the impact on highways safety and the structural integrity of the A142 and how the future maintenance of the trees on the bund adjacent to the highway will be completed. As such I must object to this application for the following reasons:

1. The proposal does not incorporate adequate facilities or measures to enable the maintenance of the developments trees abutting the highway, which is considered essential in the interests of highway safety. If permitted this would likely result in the detriment to highways safety and its free flowing function as a priority distribution route

No maintenance access route abutting the highway has been provided within the site boundary. The living wall is not proposed to be maintained from the development side and we cannot permit the maintenance of these trees from the highway (A142) as this is a priority distribution route. We can also not maintain them on behalf of the developer at the expense of the public.

No bund or living noise barrier (tree planting) will be permitted to be constructed in the highway / A142. The A142 is a priority distribution route with a 60mph speed limit. No maintenance will be permitted to be carried out from the A142 as this will require Traffic Management to protect the workers and disrupt the free flow of a priority route. We can also not permit Willow trees to be planted within the near vicinity of the highway as mature trees of this nature without maintenance are prone to limb loss which would potentially fall on the highway (A142). All trees within 5m of the adopted highway must be within a tree pit constructed as per the Cambridgeshire County Council (CCC) specification. Vegetation/ including but not limited to shrubs, bushes or hedges within 5m of the highway will require a root barrier as per CCC standards.

Comments and informatives

Sections of the Public Right of Way is proposed to be over land that is outside of the adoptable highway and appears to be diverted from the existing footpath / RoW. It is outside of my remit to accept this proposal and I would strongly recommend that the CCC RoW team are consulted prior to the determination of this application.

A Grampian Condition will be required for the change in the priority of the junction with Regal Lane with Brook Street. The final design and layout will be subject to a CCC Road Safety Audit stage 1 & 2 prior to construction which must be funded by the developer, but in principal this is acceptable to the highways authority.

Fruiting vegetation should not be planted where the bush and / or tree overhangs the highway. Fruits and berries can create a hazard and unnecessary risk to the public and on-going maintenance costs to the highways authority.

Trees within the highway MUST be adopted by either East Cambs or the Parish Council. Private Maintenance Company's do not provide the assurances needed by the highways authority that their up keep and maintenance will be completed as required. We do not adopt trees and as such prior to any adoption of the internal roads, written confirmation from the either authority will be required.

Visitor bays will not be adopted by the highways authority unless they serve a strategic highways function. The shown visitor bays are not essential for the function of the highway and as such we will not seek to or offer to adopt these.

The adopted highway surface water must discharge in to an area or water course under the authority of a local governing body. We can adopt roads that have the surface water discharging in to an area under the control of a private owner or managed by a private company. This is because it does not provide us with the assurances needed that these areas will be maintained in perpetuity. The highway authority do not adopt SUDs, areas of filtration, swales, water attenuation or water courses and ditches.

This development involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Recommended Conditions

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

HW3A – The highway shall be built to CCC highways standards

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

HW23A – No development shall commence until details of the future management of the development is submitted and approved by the local planning authority.”

(27 March 2018) Concerns have been overcome in regards to boundary treatment, seeks a condition to ensure development complies with agreed details.

Transport Assessment Team – (4 August 2017) Provides the following points:

- Developer needs to provide a review of cycling infrastructure. County Council would rather the developer provide defined works and not provide a financial contribution.
- Asks if there is sufficient land to place bus stops and requires a plan to be submitted showing their position.
- Details of the relocated refuge island need to be provided.
- The roundabout junction of the A142 with A1123 and Fordham Road and the priority junction of Fordham Road with Regal Lane has been assessed. Surveys were undertaken on 17 March 2017.
- In regards to accident data seeks a full 60 months. The roundabout of the A142 with Fordham Road and A1123 is an accident cluster site and any application

which proposes to add additional vehicles onto this roundabout will need to address the issue.

- Vehicular and cycle parking is to be provided in accordance with ECDC standards.
- Internal layout must be agreed by the Local Highways Authority officer Geoffrey Ellwood.
- It is noted the development will be completed by 2020.
- Seeks to secure a Travel Plan via a condition.
- Proposed total person trip rate is acceptable.
- Use of census data to distribute traffic is acceptable.
- Growth rates are not agreed, latest version of TEMPRO must be used.
- The committed development is not agreed with, due to the amount of development happening in Soham the Highway Authority; it has provided a guide.

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

(1 November 2017) Has reviewed the Transport Assessment Response dated 6 October 2017.

States that while the report suggests no further improvements are required to cycle facilities the developer should improve the fragmented existing facilities.

Drawing(s) showing the bus stops and refuse island is acceptable.

Recommends that a 40mph speed limit on the A142 northbound approach relating to vehicle speeds and accident data.

A holistic approach is needed for the A142/A1223/Fordham Road roundabout. The developer needs to provide an overall design solution that can accommodate the impacts from all committed developments. This should include an indicative cost for the associated works. The developer is thereby required to provide a proportion of the overall project cost.

While the development does not in itself cause capacity issues at the Regal Lane/Fordham Road junction it will contribute to future issues. It is, therefore, considered that a contribution is made for a ghost right turn.

(12 January 2018) Have reviewed the Richard Jackson Consultants dated 11 December. In regards to:

Cycling – Developer is now proposing some improvements to the cycling facilities along Fordham Road and these are acceptable.

Accident Assessment - In regards to potential reduction in speed the consultants response is accepted.

A142/A1123/Fordham Road – The developer is unwilling to provide a look at a holistic design solution. A contribution of £160,000 would therefore be required towards the roundabout future improvements. This is consistent with the approach taken on 98-118 Mildenhall Road Fordham (17/00481/OUM) where £1,000 per property was secured towards roundabout improvements.

The proposal is acceptable in terms of transport impacts subject to contributions being secured by S106 and the following condition being added to any consent:

Prior to the commencement of any development hereby approved, a scheme of works based upon the principles shown on plan 47066/PP/015 Rev A shall be implemented in accordance with details to be submitted and approved by the Local Planning Authority.

Asset Information Definitive Map Officer – (28 June 2017) States that Public Footpath No.93 Soham runs through the development site.

The Transport Assessment makes little to no reference of the presence of the Public Footpath and how it will present constraints or opportunities for the proposed development.

Drawing number SL01-6867 Rev K note that the existing footpath is to be diverted by presumably Mr and Mrs Palmer. At this stage, County Council has not received an application to permanently divert the footpath.

Seeks a pre-commencement condition in regards to the public rights of way.

Supports any proposal to provide an improved crossing of the A142.

(23 February 2018) Comments of 28 June 2017 still remain.

(21 March 2018) Considers the revised application to be unacceptable and cannot support the amended layout and recommends refusal.

(23 March 2018) States that a condition could be used to overcome their previous concerns. During a conversation with the Case Officer on the 27 March 2018 confirmed they would accept an informal footpath across the public open space but still wanted the condition.

Design Out Crime Officers (Police) – (9 June 2017) States that the area is at a medium risk of crime, with the area mainly having thefts, burglaries and vehicle thefts.

There is no specific mention of crime prevention within the Design and Access Statement. States the layout appears to be reasonably acceptable in terms of crime prevention/community safety that provides good levels of natural surveillance, pedestrian and vehicle routes aligned and overlooked.

Majority of homes are back to back which is stated as offering good security.

Raises concerns in regards to:

- Parking courts – need to ensure they are fully overlooked.

- Need for sufficient lighting, asks if this could be conditioned.
- Footpaths between and behind houses should be gated at the front and secure.

(13 February 2018) No additional comments from 9 June 2017. They look forward to working with the developer regarding Secure by Design.

Cambridgeshire Fire and Rescue Service – (4 July 2017) Seeks fire hydrants to be provided by either S106 or a condition.

5.2 Neighbours – 45 neighbouring properties were notified and the responses received are summarised below. An advert was put in the press on the 8 June 2017 and a site notice was put up on the 15 June 2017. A full copy of the responses are available on the Council’s website.

1 Greenhills, Soham – Occupier objects to the proposal. States that the area is a quiet part of Soham and this development plus those adjacent to Cherry Tree Pub will threaten to change the character of the area into a much busier, nosier location.

Impact on the junction of Regal Lane and Fordham Road is based on flawed assumptions.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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

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

6.3 National Planning Policy Framework 2012

- 4 Promoting sustainable transport
- 5 Supporting high quality communications infrastructure
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 8 Promoting healthy communities
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2017

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP18 Improving Cycle Provision
- LP19 Maintaining and Improving Community Facilities
- LP20 Delivering Green Infrastructure, Trees and Woodland
- LP21 Open Space, Sport and Recreational Facilities
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- Soham 1 Spatial Strategy for Soham
- Soham 2 Infrastructure and Community Facilities
- Soham 3 Allocation Sites
- Soham 5 Site SOH.H5 - Land south of Blackberry Lane

7.0 PLANNING COMMENTS

7.1 Principle of Development

- 7.2 The site is allocated under the East Cambridgeshire Local Plan 2015 (Policy Soham 5) for up to 160 dwellings. However, in the Submitted Local Plan 2017 the total number of dwellings has been reduced to approximately 130 dwellings; the reduction was based on enabling a more substantial buffer zone, for the benefit of landscaping, to assist noise attenuation, air quality and reduce the need for visually intrusive bunds. It is noted that the amount of public open space remains approximately both 1.1 hectares under both policy allocations. The change in policy creates a complexity in regards to if a proposal of 160 dwellings is in principle accepted.

- 7.3 While it is known that the developer has objected to the Submitted Local Plan 2017 this in itself does not mean the emerging local plan has no or limited weight. However, at the same time the Adopted Local Plan cannot be considered to have full weight in this case due to the conflict between Adopted and Submitted Plans, as the direction of travel in policy terms is clearly seeking to reduce the density of the scheme. At the current time it is considered that both policies have to be considered to have roughly equal weight; with the adopted Local Plan 2015 having slightly greater weight as it has gone through the entire consultation/adoption process. While it would be unreasonable to refuse the application on the grounds that it proposes dwellings above 130 dwellings, it adds weight to any concern that is directly linked to the number of dwellings.
- 7.4 While the allocation site policies seek a masterplan to include the 85 dwellings north of Blackberry Lane this is a preference and not a requirement. This site coming in alone is not a reason to withhold planning permission.
- 7.5 Residential Amenity - Noise
- 7.6 There has been a similar application/appeal in Witchford (16/01019/RMM) in regards to noise that the Council successfully defended. In the Appeal the Inspector stated:
- “Notwithstanding this technical solution put forward, I share the Council’s concerns that the future occupiers of the development would be unable to open the rear windows without being subjected to excessive noise especially during night-time hours. Whilst ventilation would be possible by drawing air from the non-noise sensitive elevations, to my mind, this would not provide a suitable standard of living accommodation and would provide an unsatisfactory form of development.
- In respect of the on-going maintenance of such ventilation, the Appellant has stated that this would be done by the future occupier of each property, in a similar fashion to any standard bathroom or kitchen ventilation system. Whilst I accept this would be the case, such kitchen and bathroom ventilation systems are not essential to providing an acceptable living environment as it is usual that such rooms also have the facility to open windows to ventilate the room naturally.
- The Council have also referred to the overdevelopment of the site, by placing too many dwellings near the A142. However, the proposal provides for all of the required amenity, parking and space standards necessary to make an acceptable development. To that extent, the proposal could not be considered to be an overdevelopment of the site. However, that does not mean that the development would provide suitable living conditions for its future occupiers in respect of outlook or noise.”
- 7.7 In line with the Inspector’s statement the use of mechanical ventilation (or any alternative ventilation) should, therefore, be regarded as providing a lower quality of residential amenity and should only be used where there is no other possible option.

- 7.8 The greatest concern is night time noise levels during the hotter months where people are most likely to want to have windows open to cool their bedrooms and will require lower background noise in order to sleep.
- 7.9 The developer is not providing any mechanical ventilation on this scheme and is achieving this by providing a 5m high barrier along the A142. This barrier is made up of a 2.5m high living willow fence on top of an earth bund. In addition to this the house types along the eastern boundary (those nearest the A142) have no first floor habitable windows facing towards the road. This means that the dwellings can become part of the noise mitigation measure without detrimentally suffering from noise pollution.
- 7.10 The noise mitigation measures mean that the proposed scheme will have 61 dwellings that will have lower than 45dB external night time predicted noise levels and 99 dwellings that have predicted 45 – 50dB outside their bedroom windows; in short the maximum noise level outside the bedroom window will be akin to that of moderate rainfall/floor fan and expected for suburban- urban night time. Even if the window is partially open it still reduces the internal noise level by 15dB, thus bringing the sound levels down to an acceptable night time level of 35dB while allowing for ventilation. In the original scheme the habitable rooms nearest the A142 were experiencing night time noise between 55-59dB (similar to a group conversation). The amendment is a significant improvement in regards to noise mitigation/management and removing the need for mechanical ventilation is to the merit of the application.
- 7.11 The nearest dwelling (plot 67) is located 19m from the willow fence and 15m away from the start of the slop of the bund, which is a greater distance than some internal facing dwellings (for example 14m between plot 106 and plot 112); the impact on the outlook from the front living rooms of the nearest plots to the bund will be no more detrimental than looking at a dwelling. It should be noted that unlike the Witchford appeal application, the proposed bund is not immediately adjacent to the residential plots.
- 7.12 With two areas of public open space being boarded on two sides by the bund/fence the amenity of these spaces is reduced. However, it should be remembered that a key requirement of these open spaces is to create areas to walk through (particularly dog walkers) and are not spaces necessary for people to stay in for any long period of time. The harm to the amenity of these spaces is thereby reduced.
- 7.13 It should be noted that a noise buffer of only 3m in height would likely lose approximately 46 dwellings or the need for mechanical ventilation for 46 dwellings. If the site was reduced to 130 dwellings, this would still likely leave 16 dwellings needing mechanical ventilation or to be cleverly designed. It should also be remembered that dwellings themselves form one of the best noise barriers, each dwelling removed adds to the noise levels experienced to the next dwelling westwards.
- 7.14 The noise levels from the A142 is a significant constraint on the site that informs the design. The developer in regards to purely noise mitigation has come up with a

high quality and relatively innovative scheme that preserves the higher number of dwellings on the site.

- 7.15 There have been no concerns raised in regards to detrimental noise pollution from the industrial units on Regal Lane
- 7.16 Other Residential Amenity Concerns
- 7.17 While most of the plots have a back to back distance that meet or is in excess of the 20m as sought by the Design Guide SPD, there are some plots e.g 72 to 80 that fall slightly below this at a 19m back to back. The level of harm to residential amenity caused by this slight loss of privacy on this size scheme is considered to be minor and does not warrant a reason for refusal.
- 7.18 The proposed dwellings are not considered to cause any substantial overbearing or loss of light to each other.
- 7.19 The nearest plots to adjacent residential properties (plots 1, 6, 14, 15 and 26) have been pushed away from the common boundaries, which will ensure the impact on these properties amenity is minimal.
- 7.20 With the size of the development and the length of time it will take to build it is considered reasonable and necessary to add a condition requiring a Construction Environmental Management Plan to minimise disturbance to existing and future residents.
- 7.21 Environmental Health have concluded that there is no need for additional contamination reports but does seek a condition relating to unexpected contamination.
- 7.22 There is not considered to be any reason to refuse the application in regards to residential amenity.
- 7.23 Visual Amenity – Earth Bund and Fence
- 7.24 The gross density of the proposal is 23 dwellings per hectare or 9.5 dwellings an acre (net density 32 dwellings per hectare), which is a relatively low density and accords in theory with an edge of village/small town proposed residential scheme. However, like all schemes low density does not mean a better design in itself.
- 7.25 The first main issue is that the developer is providing a 5m barrier between the proposal and the A142. The appeal in Witchford (16/01019/RMM) had the inspector stating that its proposed bund would not cause significant harm to the character of the area and would be partially screened by current planting, but in this case the bund was only half the size; a direct comparison is hard to make for this reason. However, limited-moderate weight should be given to the Inspector's decision and that they made reference to tree planting along the A142.
- 7.26 The allocation policy requires a significant green and noise buffer alongside the A142 in order to provide a visually acceptable noise buffer to the A142.

- 7.27 This barrier is made up of an earth bund approximately 2.5m high with a 2.5m high living willow fence on top of it. The earth element of the bund has a fairly gentle slope in its northern half (ranging from 1:3 – 1:4) but has a much steeper slope in its southern half (1:1.2). However, about half of the steep slope section is partially mitigated against by being placed against an area of public open space (there is also an overprovision of public open space). The earth bund is considered to be acceptable from a visual point of view as it is only 0.5m over what could be achieved under permitted development (barrier not adjacent to a road) and that a large part of it will have a gentle, more natural, slope. It also has to be expected that placing a site allocation so near to a main road that there would need to be some form of bund to protect against road noise.
- 7.28 On top of this earth element is a 2.5m high living willow fence and it is accepted that this fence will look like a high hedge within 6 months of installation/planting on the A142 side. The boundary with the A142 is defined by a mature hedge (though much of it is low in height) and a sparse provision of trees within the hedge. The northern edge of the boundary is defined by a mature hedge along Blackberry Lane and the lane (Longmere) that runs along the western and southern edge is defined by a variety of trees on both sides. It should also be noted that aerial photos show on the eastern side of the A142 there are lines of trees. Tree belts are therefore part of the rural character of this part of Soham.
- 7.29 It should also be noted that the traditional fen landscape is extremely human influenced, as without humans creating ditches the fen landscape would still be water dominated. However, human influence in the fens is by primarily digging down, not mounding up.
- 7.30 The inside of the fence can be softened by planting additional willow trees, bushes and climbers in order to soften the fence from the development side. This will need to be secured early via a condition within the development in order to give time to allow the vegetation to establish prior to the occupation of proposed dwellings nearest the earth bund.
- 7.31 Landscape should only be used to obscure development in the most exceptional circumstances, this is usually due the nature of planting not being a permanent feature. However, in this case the developer is an affordable housing company and will remain in some form of control of the site in perpetuity. It is, therefore, possible to ensure that the living willow fence is suitably maintained and kept in perpetuity through the use of a S106 Agreement. The other strategic landscaping on or along the bund should be retained for a long period of time (for instance ten years) to allow and ensure it fully establishes.
- 7.32 The need for such landscape measures to hide an acoustic fence shows that while a very good practical solution, it is not an aesthetic solution. While a wider gap with a 3m acoustic barrier would be visually better, this would push the housing westwards and mean all the public open space was along the eastern boundary; it is arguable that the negatives of moving the public open space would balance out the benefits. The visual harm that the earth bund and fence causes weighs against the proposal.
- 7.33 Visual Amenity – Other Design Features

- 7.34 The design is weakened by pushing up against and turning its back on the mature trees of Longmere Lane. The scheme could be significantly improved if it more positively brought Longmere Lane into the scheme by placing public open space up against this western boundary. However, pushing the housing away from this edge will either push the dwellings closer to the A142, reduce housing numbers or lose the northwest public space that acts as a feature when you come into the development and off sets the public open space in the southeast corner. However, the site provides public open space and a connection to Blackberry Lane that is considered to be a positive.
- 7.35 The design of the dwellings are considered to be average/standard and while not detrimental to the character of the area will certainly not enhance the visual public realm. The design of the dwellings, therefore, neither weighs in favour or against the proposal.
- 7.36 Historic Environment
- 7.37 The comments from County Council in regards to the archaeological potential of the site are noted and accepted. A condition should be added to ensure that a suitable archaeological dig is carried out.
- 7.38 There are no other historical assets that the proposal is considered to effect.
- 7.39 Highways
- 7.40 The site connects onto Regal Lane and needs to provide an access point for the allocation site north of Blackberry Lane (85 dwellings).
- 7.41 The Town Council has sought a one way system in the development. However, this is likely to only raise highway speeds (as there is less obstructions to slow traffic down) and therefore decrease road safety.
- 7.42 The recommended conditions sought by the Local Highways Authority and County Transport Team can be added, as they seek to make required improvements to ensure safety is maintained for all highway users. The S106 contributions are acceptable in principle and the exact wording/requirements would need to be finalised through the S106 negotiation process.
- 7.43 The proposed living willow fence is being located approximately 5m away from the edge of the public highway of the A142. While trees and other vegetation could be planted without requiring any consent from the Local Planning Authority it is important to ensure that the willow planting is maintained regularly in order to prevent the bush height willow trees turning into mature willows; mature willows have a high chance of limbs breaking off in high winds that could lead to an unacceptable risk to users of the public highway. The developer (who is a Registered Social Landlord) is willing to sign up to a S106 that requires them to maintain the living willow fence in perpetuity at its own cost (though this cost is likely to be passed onto the future residents of the proposal) at the height of a hedge. This will ensure that that the willows never grow 1m taller or away from the fence line to prevent the plants becoming a danger to highway users. The

submitted management plan also requires the maintenance work to be undertaken on the developer's own land only. With the importance of details contained within the document 'Soft Landscape Management and Maintenance Plan March 2018' it will need to be added to any S106 Agreement; without this document in the S106 there would be a significant concern that would weigh against the application.

- 7.44 The Local Highways Authority are no longer objecting to the proposal but the S106 will need to ensure that suitable maintenance (including relevant land) of the landscaping near the A142 is undertaken in perpetuity. The proposal is not considered to be detrimental to highway safety.
- 7.45 Ecology
- 7.46 The developer has worked closely with Natural England in order to both help fund a scheme for all the proposed developments along the eastern boundary of Soham in order to prevent additional recreational pressure on the SSSI of Soham Wet Horse Fen. The SSSI is mainly located on the other side of the A142 but a small element is located to the west side of Longmere Lane.
- 7.47 The developer has provided approximately 1.3 hectares of informal public open space, this is 0.2 hectares over that guided in the site allocation policy SOH5 (Adopted Local Plan) and SOH.H5 (Submitted Local Plan) and 0.3 hectares over the minimum amount of informal space needed for the developers housing mix. The increase in space on site provides more recreational space that should help to stop people traveling onto the SSSI, this is combined with the creation of a circular walk route around its site. The circular walk route connects onto both existing routes and potential future developments (e.g the allocated site north of Blackberry Lane), thus allowing for greater walking opportunities.
- 7.48 Any landscape scheme will need to include biodiversity enhancement measures.
- 7.49 Flood Risk and Drainage
- 7.50 The northwest corner of the site is within Floodzone 2 and 3, which puts approximately plots 1-14 and plots 141-147 in an area of risk of flooding. On the other side by placing one of the main public open spaces in this area reduces the risk of future dwellings being water damaged or people having to evacuate.
- 7.51 With the site being allocated it passes the Sequential Test, as the dwellings need to go on this land. The main issue is, therefore, the Exception Test that seeks to reduce the risk either through the placement of dwellings or preparing them for the flood event (e.g rising electrical points above the ground and one way flow on drainage). One alternative is by substantially increasing the public open space in the northwest corner, this would either push approximately 20 dwellings closer to the A142 or lead to the reduction of 20 dwellings on the site.
- 7.52 Following detailed negotiation between the developer and the Environment Agency the concerns regarding flooding have been overcome. The developer is now providing replacement floodplain in the public open space in the northwest corner while ensuring dwellings are above predicted flood waters. The Lead Local Flood Authority are also seeking a condition to ensure the surface water drainage

measures are put in place. The long term maintenance of the drainage will be secured as part of a S106 Agreement.

7.53 Contributions

7.54 The site is allocated under the Adopted Local Plan the contributions of £1.85 million towards education is therefore unreasonable as it is covered by the Community Infrastructure Levy (CIL) that the developer is required to pay. The £17,690.40 for Libraries and Lifelong Learning can be secured through the S106 Agreement.

7.55 A contribution of £160,000 is being sought from County Council in order to improve the roundabout of A142/A1123/Fordham Road and this can be secured through the S106 Agreement.

7.56 A contribution would also need to be secured to part fund a ghost right hand turn on the Regal Lane/Fordham Road junction and to improve cycle routes along Fordham Road.

7.57 Developer is offering 20% affordable housing as required under policy LP6 of the Submitted Local Plan and for this reason is considered to be acceptable. The Submitted Local Plan is considered to have more weight than the Adopted Local Plan in this regard, as the Council has agreed that 30% affordable housing is not viable in Soham. The affordable housing can be controlled via a S106 Agreement.

7.58 Other Material Matters

7.59 Plots 136 to 143 are seeking outline consent and are the self-build plots. The exact details of these will be defined by future reserved matters applications if this application is approved. While the developer has provided a code for these self build plots it is considered more appropriate to control each reserved matters at the point of submission. The details of selling these plots will need to be secured in the S106 Agreement.

7.60 The requested conditions raised in regards to minerals by County Council can be added if the application is approved.

7.61 Planning Balance

7.62 The recommendation is highly balanced, as the crux of the matter is considered to be the need to balance the amount of dwellings, the height of the noise barrier and the requirement of mechanical ventilation.

7.63 The Planning Authority has successfully defended at appeal that mechanical ventilation (as well as other forms of alternative ventilation) should be avoided whenever possible as it leads to a poor level of amenity. The issue then is a 5 metre barrier along the A142 or a significant reduction in dwelling numbers that would likely be below the 130 dwellings suggested in the Submitted Local Plan. If all constraints of areas at risk of flooding, noise and creating an attractive feature of Longmere Lane were taken as inviolable the number of dwellings would likely be between 75 – 100 dwellings. This level of reduction of dwelling numbers is not

considered to be reasonable even when the original site allocation is for up to 160 dwellings.

- 7.64 The developer has come up with a relatively innovative scheme (living willow fence) to bring the development to a suitable character on the A142 side and additional landscaping can help blend the fence in from the development side. This barrier still will create a poor amenity space for the public open spaces in the northeast and southeast corners of the site, as it wraps around them on two sides. However, the developer has overprovided on open space in order to provide a walking route (specifically for dog walkers) in order to prevent people travelling onto the SSSI. The lower level of public open space amenity is, therefore, not considered to be as detrimental as it would normally be due to people not expecting to stay in these spaces for long periods of time and that there is another substantial public open space a significant distance away from the A142 and barrier.
- 7.65 Weight is also being added to the fact that this site has been allocated for a substantial period of time.
- 7.66 It is the view of officers' that this application should only just be recommended for approval on the basis that the provision of up to 160 dwellings holds more weight than approximately 130 dwellings, that the bunds impact on open space is limited by the overprovision of open space and that a significant amount of landscaping can be secured/maintained.

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:
- Site is allocated for up to 160 dwellings in the Adopted Local Plan 2015.
 - Mechanical Ventilation should be avoided, unless absolutely necessary.

9.0 APPENDICES

- 9.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00893/FUM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
17/00926/SCREEN	Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

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

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 - 17/00893/FUM Conditions

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

Plan Reference	Version No	Date Received
LOC01	B	23rd May 2017
6867 G01 GARAGE TYPE	Rev B	31st January 2018
6867 G02 GARAGE TYPE	Rev B	31st January 2018
6867 G03 GARAGE TYPE	Rev B	31st January 2018
6867 G04 GARAGE TYPE		31st January 2018
6867 PL01 SANDRINGHAM	Rev A	31st January 2018
6867 PL02 STEVINGTON (TYPE A)		Rev A 31st January 2018
6867 PL03 STEVINGTON (TYPE B)		Rev A 31st January 2018
6867 PL04 STEVINGTON (TYPE A SID		Rev B 31st January 2018
6867 PL05 STEVINGTON (TYPE B)		Rev A 31st January 2018
6867 PL06 CARDINGTON	Rev B	31st January 2018
6867 PL07 CARDINGTON	Rev B	31st January 2018
6867 PL08 SMARDEN	RevA	31st January 2018
6867 PL09 LANGFORD L	Rev B	31st January 2018
6867 PL10 LANGFORD L	Rev A	31st January 2018
6867 PL11 LANGFORD L	Rev A	31st January 2018
6867 PL12 LANGFORD L	Rev A	31st January 2018
6867 PL13 LANGFORD P	Rev A	31st January 2018
6867 PL14 ASHLEY	Rev A	31st January 2018
6867 PL15 ASHLEY	Rev B	31st January 2018
6867 PL16 ASHLEY L	Rev A	31st January 2018
6867 PL17 ASHLEY P	Rev B	31st January 2018
6867 PL18 PENSHURST	Rev C	31st January 2018
6867 PL19 WELNEY	Rev B	31st January 2018
6867 PL20 MARSHAM	Rev B	31st January 2018
6867 PL21 PENSHURST & WELNEY		Rev C 31st January 2018
6867 PL25 PENHURST & MARSHAM		Rev A 31st January 2018
6867 PL22 PENHURST AND MARSHAM		Rev A 31st January 2018
6867 PL23 PENHURST & MARSHAM		Rev A 31st January 2018
6867 PL24 PENHURST, MARSHAM & PEN		Rev A 31st January 2018
6867 PL26 PENHURST & MARSHAM		Rev A 31st January 2018
6867 PL27 2B	Rev A	31st January 2018
6867 PL31	Rev C	31st January 2018
6867 PL32 2B & 3B	Rev A	31st January 2018
6867 PL36 MAYFIELD		31st January 2018
6867 PL37 ALDINGTON	Rev A	31st January 2018
6867 PL38 ALDINGTON	Rev A	31st January 2018
6867 PL39 TENTERDEN	Rev A	31st January 2018
6867 PL40 TENTERDEN	Rev A	31st January 2018
6867 PL41 TENTERDEN	Rev A	31st January 2018
6867 PL42 ALDINGTON		31st January 2018
6867 PL43 ALDINGTIN		31st January 2018
SL01	T	16th March 2018

- 1 Reason: To define the scope and extent of this permission.

2 FULL PLANNING PERMISSION FOR THE ERECTION OF 152 DWELLINGS AND ASSOCIATED ACCESS, PARKING AND OPEN SPACE

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 Prior to above ground works a scheme of highway works based upon the principles shown on plan 47066/PP/015 Rev A shall be implemented in accordance with details to be submitted and approved in writing by the Local Planning Authority. The agreed development shall be completed prior to first occupation.
- 3 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.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise (including hours of construction work), dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 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.
- 6 Prior to the commencement of development a Detailed Waste Management

and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority.

The DWMMP shall include details of:

- a) Construction waste infrastructure if appropriate including a construction material recycling facility to be in place during all phases of construction
- b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste.
- c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
- d) any other steps to ensure the minimisation of waste during construction
- e) the location and timing of provision of facilities pursuant to criteria a/b/c/d.
- f) proposed monitoring and timing of submission of monitoring reports.
- g) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.
- h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material
- i) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles

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

- 6 Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.
- 7 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 7 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

- 8 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 9 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.
- 9 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted
- 10 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 11 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 11 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015 and LP17 and LP22 of the Submitted Local Plan 2017.
- 12 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted.

- 13 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.
- 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 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 plot(s) the boundary treatment relates to.
- 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 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 15 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.
- 16 The road/footpaths and verges of the highway between Plot 5 and FW PS as shown on drawing number SL01 Rev T must go to the absolute site boundary prior to the occupation of the 6th dwelling plot on the site.
- 16 Reason: To avoid a ransom strip and to allow for highway access to the allocation site north of Blackberry Lane.
- 17 Prior to first occupation a scheme of changing in the priority of the junction with Regal Lane with Brook Street shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be carried out prior to first occupation.

- 17 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. This is a Grampian Condition as the works are within the public highway.
- 18 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.
- 18 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.
- 19 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 (FRA) prepared by Richard Jackson Ltd (ref: 47066 – Rev D) dated May 2018 and shall also include:
- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - b) Full details of the proposed attenuation and flow control measures;
 - c) Temporary storage facilities [if phased build out proposed];
 - d) Full details of the maintenance/adoption of the surface water drainage system;
 - e) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
 - f) A timetable for implementation

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

- 19 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 is detailed as one of the model conditions.
- 20 Prior to any above ground works commencing use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of ten years from the date of the planting (this excludes the living willow fence that is controlled via the S106), 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.

- 20 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.
- 21 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. 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.
- 21 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.
- 22 Prior to above ground works commencing on plots 45 -46, 54-67, 110 – 135 and 153-160 (as defined by drawing number SL01 Rev T) the hereby approved 2.5 metre high bund and 2.5 metre high living willow fence along the eastern boundary shall be completed with all landscaping located on the bund having been planted in the planting season (November – February).
- 22 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.
- 23 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated March 2017 Rev D, ref. 47066, compiled by Richard Jackson Engineering Consultants, and the following mitigation measures detailed within the FRA:
1. Finished floor levels will be set no lower than 5.5m above Ordnance Datum (AOD).
 2. Provision of floodplain compensation within the Public Open Space by lowering existing ground levels to 5.0mAOD, as detailed in drawing no. 47066-PP-016 Rev A.
- 23 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.
- 24 Prior to the commencement of development, a Rights of Way scheme shall be submitted to and approved by the LPA in consultation with the LHA. Such scheme shall include provision for:
- i. the design of public rights of way routes and their surfacing, widths, gradients, landscaping and structures.
 - ii. any proposals for diversion and closure of public rights of way and alternative route provision.
- 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted.

25 OUTLINE PLANNING PERMISSION RELATING TO ONLY PLOTS 136 – 143 (AS DEFINED BY DRAWING NUMBER SL01 REV T).

Approval of the details of the access, design, layout, scale and landscape (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.

25 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.

26 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.

26 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

27 The self build dwellings hereby approved will be developed as single plots as shown on the drawing SL01 Rev T (plots 136-143) submitted shall be completed in phases.

27 Reason: The self build plots will be developed individually, in a phased manner for the purposes of CIL.

28 Construction times and deliveries, for the self build dwellings 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 or Bank or Public Holidays.

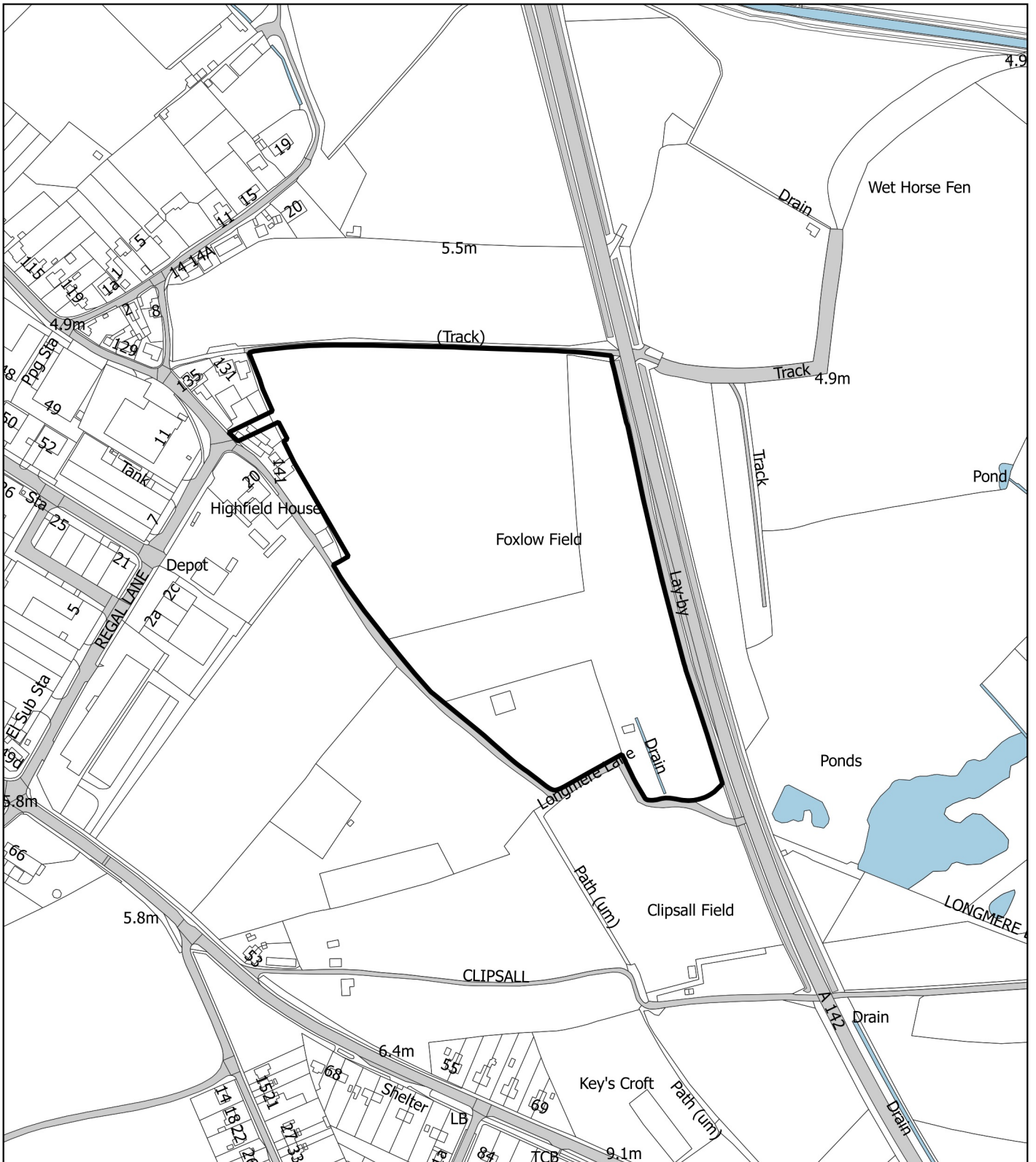
28 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.

29 No development shall take place until a scheme to dispose of 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.

29 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 is detailed as one of the model conditions.

30 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.

30 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.



17/00893/FUM

Land South of Blackberry Lane
Soham



East Cambridgeshire
District Council

Date: 19/03/2018
Scale: 1:4,000



© Crown copyright.
All rights reserved 100023279 (2017)

MAIN CASE

Reference No: 17/01395/FUL

Proposal: Loft conversion, dormer window and rear extension

Site Address: 33 Cambridge Road Ely Cambridgeshire CB7 4HJ

Applicant: Mr S Paragon

Case Officer: Catherine Looper Planning Officer

Parish: Ely

Ward: Ely East
Ward Councillor/s: Councillor Richard Hobbs
Councillor Lis Every

Date Received: 2 August 2017 **Expiry Date:** 08/06/2018

[T15]

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
 3. Materials
 4. PD- Restriction – Windows
 5. PD- Restriction - Extensions

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application was previously brought to Planning Committee on 3rd January 2018, where members agreed with officer recommendations to approve the application subject to specific conditions. Following this decision the application was the subject of a Judicial Review application as a result of which the decision was quashed by consent for two reasons: first because the Council failed to accord considerable importance and weight to the harm the development would cause to the conservation area and failed to identify any public benefits that could or would outweigh that harm and, second, by concluding that views to the Claimant's property from the ground floor windows in the south elevation of the proposed extension would be 'blocked' by the boundary fence between the dwellings, the

Council made an error of fact amounting to an error of law. The application has therefore been re-assessed as a new application and is brought back to Planning Committee on that basis. In considering the application members should ignore the previous decision and disregard anything which was said, considered or taken into account in making that decision.

2.2 The application seeks consent for a single storey rear extension and loft conversion, including a dormer window to the rear aspect of the roof. The application also seeks an alteration to the pitch of the roof at the rear of the dwelling, which will extend the side elevation of the rear element of the dwelling by 1.3m. The proposed single storey rear extension would bring the side elevation of the dwelling closer to the south boundary of the site, and would extend the ground floor level by 4m further into the garden area.

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

2.4 The application has been called into Planning Committee by Councillor Richard Hobbs.

3.0 PLANNING HISTORY

3.1

00/00613/FUL	Extension to rear forming utility room	Approved	01.09.2000
--------------	--	----------	------------

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located within the Conservation Area of Ely and comprises a two storey detached dwelling constructed from red brickwork with a large bay window and recessed porch to the front aspect. The dwelling has white arches and cills around the windows, and a white archway above the recessed porch. The property is under an Article 4 Direction which restricts development permitted under Classes A, C, D, F(a) of Schedule 2 Part 1, and Classes A and C of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Cambridge Road is characterised by large dwellings which are positioned closely together. The dwellings are generally set back from the public highway with a small amenity space to the front.

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.

Consultee For Other Wards In Parish - No Comments Received

Senior Trees Officer - I have no concerns regarding this application as I do not perceive any tree impacts.

Parish (22/05/2018)– The City of Ely Council recommends refusal of this application as the number of large windows to the rear of the property which will overlook the neighbouring properties and cause a loss of privacy. Another piece of land is identified as a parking area, but members believe that this was refused planning permission to be used as off-street parking.

Ward Councillors (20/11/2017)- As ward member for Ely east I wish to call in above planning application to committee. My Reasons are over development and impact on neighbours properties, and support findings of Mr A Turton, resident of 35 Cambridge Road.

Conservation Officer (11/11/1207)– The amendments have gone further still to address the concerns raised previously in regards to the scale, visibility, design of the proposed extension.

The removal of the hipped roof and reduction in the length of the 2 storey element is welcomed.

I would still have some concerns over the extent of the extensions and their visibility within the street scene (along the side elevation). However, the proposal in its current form has tried to reduce this visual impact by reducing the height and the length of the proposed two storey element of the scheme.

It is likely that the proposal would still result in harm to the character and appearance of the conservation area but it is considered that this harm would be less than substantial and therefore this harm should be weighed against the public benefit of the scheme.

Conservation Officer (25/05/2018)- Comments on the proposal single storey rear extension to 33 Cambridge Road Ely.

The conservation area appraisal has described Cambridge Road as a residential street with mainly large and imposing dwellings running the whole length of the road. The number of substantial buildings give this part of the city a dignified and welcoming entrance to the historic city. There is no predominant materials found in this part of Cambridge Road other than a variety of gault and red brick as walling materials and slate and tile for roofing materials. The character of the area therefore is given over to large villas if no particular style but dating from 19th and 20th century.

The proposed single storey rear extension is considered to be designed to have minimal impact on the character of the conservation area given its flat roof profile which will cause no harm to the character and appearance of the conservation area. However, there could be scope for upstand on the roof light to be reduced.

The extension will hardly be visible from the public domain between number 33 and 35 given the view is at an oblique angle from the public roadway.

The view from the opposite direction walking down Cambridge Road from numbers 27 towards 31a, are considered not to cause harm to the character and appearance of the conservation area especially set against the current soft landscaping.

Arguably the current car parking to the side of 31a and to the front of 31 has more impact on the character and appearance of the conservation area than the proposed single storey rear extension.

In summary the proposal is considered not to cause harm to the character and appearance of the conservation area for the reason stated above and therefore comply with policy ENV11, adopted Design Guidance and Central Government advice contained within section 12 of National Planning Policy Framework.

5.2 A site notice was posted on 8th May 2018 and an advert was placed in the Cambridge News on 10th May 2018.

5.3 Neighbours – Six neighbouring properties were notified on 30th April 2018 and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Residential Amenity

- The extension is substantial and will affect those living nearby.
- The next door neighbours will be affected by loss of light.
- The two storey extension will block out a great deal of light.
- The two storey extension will increase the length of what is already an ugly wall along the neighbouring boundary.
- The two storey extension will take away a lot of natural light and will result in the loss of the present green outlook.
- The large glass windows at first floor level will overlook garden areas, and will be occupied by tenants who will spend a lot of time in these rooms.
- Unsure what licence the property has but two additional rooms will cause more noise pollution due to tenants coming and going at all times of the day and night.
- The generally young adult occupancy of number 33 creates a regular low level noise nuisance. The increase in occupancy will make this more frequent and troublesome.
- The two storey extension takes the full width and height of the house, all the way to the back of the house and beyond. It is as if someone had built a whole new house on the boundary. Such a structure is almost the planner's dictionary definition of overbearing.

- With such a huge, massive, close and imposing structure there are additional rear and side-facing windows and a balcony which will completely overlook neighbouring gardens.
- High levels of occupancy, the overbearing nature and high degree of overlooking will mean neighbouring gardens entirely lose privacy and enjoyment.
- The majority of rooms in number 35 access daylight from and have an outlook from the rear side elevation of the property facing towards number 33. This is the main rear elevation.
- The proposals include extensions to the width and length of the second storey which adversely impact on neighbours daylight.
- The existing daylighting to number 35 is poor and a further reduction is unacceptable resulting in light access almost half of that deemed necessary. The proposals do not prevent any further impact on existing poor levels of daylight. The eaves are the critical feature and therefore the roof height reduction in the revision does not mitigate this impact.
- The scale of the ground floor extension is very significant and will result in a new 13m long façade approximately 1m from the neighbouring boundary.
- The proposed extension is very dominant and will increase the feeling of enclosure in the neighbouring property and garden. This would dominate the outlook from neighbouring ground floor windows due to the close proximity to the boundary.
- The proposed extension will increasingly impact on the outlook from downstairs and upstairs windows in neighbouring properties.
- Ground floor windows along the boundary will create overlooking into neighbouring gardens.
- The Juliet balcony proposed directly overlooks neighbouring gardens and is likely to be used as a living room due to the multiple occupancy nature of the property.
- Neighbours will be able to look into the property through the roof lights in the single storey element of the extension.
- The reduction in the first floor area reduces the visibility from the street and the sense of being overlooked and encroached, but the impacts on neighbours remain unchanged.
- The latest plans still have an excessively large single storey extension which results in a 13m long new façade, approximately 1m from the boundary. This would be dominant over neighbouring properties. The primary outlook from number 35 faces number 33.
- The side elevation of the ground floor extension should be set back from the boundary by a further 1.5m to be similar to neighbouring properties and prevent privacy issues raised by the dominance of the extension.
- The rooflights in the ground floor extension should be removed or obscure glazed for privacy reasons.
- Any further reduction in light availability to number 35 should be minimised as the levels of daylighting currently available are already poor/inadequate.

- Daylighting to number 35 is likely to be seriously affected as a result of the new extension, having a significant impact on the house and will result in an increased need to use artificial lighting. This will have an adverse impact on neighbours quality of life.
- The property already has a rear extension at two storey scale which extends by approximately 4m from the rear of the property. This is an old extension, but the 2 storey extent of the property is already greater than neighbouring properties.
- Concerns regarding the neighbours children to access safe and private outdoor space. Concerns that this will become increasingly enclosed and overlooked, and potentially less secure.
- The outlook from bedrooms and playrooms in the neighbouring property will be significantly impacted by the extension with a reduction in daylight and a worsened outlook onto the new extension. Neighbours comment that the Public Sector Equality Duty is a consideration in planning application to ensure the quality of life of people with additional needs is maintained and improved.
- The proposals will dominate the outlook from the majority of rear windows by removing any distance outlook and leaving a short distance view.
- Boundary treatments would require a fence of around 2.4m and would increase the feeling of enclosure in neighbouring gardens.
- The proposals include a balcony-type window arrangement at the rear of the first floor. Concerns raised regarding the use of the flat roof as a balcony and amenity space for tenants which would overlook the neighbouring gardens. Also concerns regarding this providing access to neighbouring gardens.

Visual Amenity

- The applicant seeks to occupy or let the house as a single family dwelling, but the development makes the property less attractive to single-family occupancy.
- It is overbearing in form and disruptive in character.
- The proposal would feel crowded and is out of scale in the setting of the neighbouring properties.
- The application claims that the side elevation of the house is unchanged, however the application shows the extension encroaching several metres lengthways into the existing garden over three floors.
- General central and local government policy has turned away from such “garden grabbing” developments, and there is nothing to merit going against this policy.
- The applicant is mistaken in claiming that the site cannot be seen from the public road. There is at least a 2m gap between numbers 33 and 35 through which the works will be clearly visible from the street.
- All similar properties have been extended at single storey level, which has maintained spacing and openness for neighbours.

- The existing house at 33 Cambridge Road is the only house to have already been extended beyond the others at 2 storeys and is dominant over neighbouring properties.
- The ground floor proposals are excessive and out of context with family house use.
- The size and nature of the extension appear to be maximising the available floor area.

Highway Safety

- This will negatively impact on the availability of parking in the area.
- The parking area shown on the plan is only suitable for one large vehicle and will be accessed from the main road.
- The area allocated for parking is actually garden.
- Parking is a problem on Cambridge Road and extra rooms being rented out will cause more congestion.
- Parking in this area is on-street only and is already overloaded.
- The additional parking load created by the greater occupancy would have significant negative public amenity impact on the area.
- The parking shown on the plans is not suitable for parking and was previously refused permission for change of use to parking. It does not appear to be in the applicant's ownership.
- The parking shown exists onto Cambridge Road in a dangerous location. There is no turning provision.
- An increase in tenants will increase the demand for parking.

Conservation Area

- The property is part of a group of houses in the Conservation Area which contribute to the distinctive character of settled peace, with sufficient outdoor space for the private enjoyment of gardens by families and their children.
- The properties have a distinctive form and character for residents, neighbours and passers-by. The development removes a significant fraction of the house's garden and prevents the garden being used as an outdoor amenity, undermining the character of the whole group

Other Matters

- The property is used as an HMO and extending the property will significantly increase the number of occupants.
- The present level of occupancy is approximately 10, sometimes 13, and is broadly peaceful. The plans show an increase from 6 rooms over two floors to 8 rooms over three floors, not including kitchen and bathrooms. The increase will practically double

the dwelling area. There could be 20 or more adults living in what is supposed to be a single family home.

- The submitted material has very little detail and no block plan. There is no reference to neighbouring properties or the boundary of 33 Cambridge Road.
- The use of the house is not compliant with its permitted use and this should be addressed as part of the application.
- The proposals facilitate the potential subdivision of the property to increase tenant rooms and occupancy.
- The higher room utilisation compounds other objections.
- The proposals are out of context with a conventional C3 or C4 home.
- The close proximity of the property to the boundary would create an increased fire risk to neighbouring properties.
- The proposal creates a 21m narrow dark alleyway which creates a security risk.
- The reduction in the scale of the extension does not overcome the objections raised.
- The changes made to the application are aimed solely at making a cheaper construction.
- The planning application does not contain the required information to allow the application to be assessed.
- The use of the building is an important factor in determining the application, as the number of people living at the property will create issues which affect neighbouring occupiers.
- A condition should be applied which limits the use of the building to a permitted C3 or C4 use with a maximum of 6 unrelated people for C4 HMO use.
- There is an unlawful separate dwelling unit converted from a conservatory.
- The very high level of occupancy and use of inappropriate areas (the conservatory in use as a flat) clearly demonstrates a conscious flouting of planning rules designed to protect residents from unscrupulous landlords.
- Occupancy levels dropped when the application was submitted in August 2017 and before the decision to approve the now quashed consent determined in January 2018. This suggests a very plain and deliberate effort to reduce tenant numbers when the application was before the council to give an impression the property is being managed in accordance with the planning laws when the contrary has been the case since 2011.
- Occupancy levels increased immediately following the decision to approve the application. Neighbours have detailed records showing between 10-12 people living in the house in the period Jan- end of March 2018.
- There is a large disparity between the clear evidential and circumstantial use of the property and the applicant's description of the property in the committee meeting.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 2 Design
ENV 11 Conservation Areas

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2012

12 Conserving and enhancing the historic environment
7 Requiring good design

6.4 Submitted Local Plan 2017

LP27 Conserving and Enhancing Heritage Assets
LP22 Achieving Design Excellence

7.0 PLANNING COMMENTS

7.1 This application was originally determined at Planning Committee on 3rd January 2018 where members agreed with officer recommendations to approve the application subject to specific conditions. Following this decision the application was the subject of a Judicial Review application as a result of which the decision was quashed by consent for two reasons: first because the Council failed to accord considerable importance and weight to the harm the development would cause to the conservation area and failed to identify any public benefits that could or would outweigh that harm and, second, by concluding that views to the Claimant's property from the ground floor windows in the south elevation of the proposed extension would be 'blocked' by the boundary fence between the dwellings, the Council made an error of fact amounting to an error of law. The application has therefore been re-assessed as a new application and is brought back to Planning Committee on that basis. In considering the application members should ignore the previous decision and disregard anything which was said, considered or taken into account in making that decision.

7.2 The main considerations are the impact the proposal may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance and character of the Conservation Area.

7.3 It should be noted that the application has been subject to amendments since it was first received. The original application featured a full height two-storey rear extension which would increase the length of the rear element by 4m and bring the side elevation in line with the main dwelling. This was considered to be significantly detrimental to residential amenity, and also be highly visible from certain aspects of

Cambridge Road. The Design Guide SPD requires that extensions are not dictated by a desire for additional floor space. The agent was informed of these concerns and subsequent amendments sought to reduce the impacts on neighbouring occupiers. The proposals were reduced in scale.

7.4 Residential Amenity

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

7.6 The proposed ground floor extension would protrude into the garden by 4 metres from the rear elevation and increase the width of the ground floor of the rear protruding element to be level with the side elevation of the existing dwelling. This would feature a flat roof, with a maximum height of 2.9m. Windows are proposed in the south elevation at ground floor level, which face Number 35. At first floor level, the rear extension widens the existing first floor element by approximately 1.3m, and the pitch of the roof has changed accordingly. This is to provide larger bathroom areas and a wider bedroom area. The applicant proposes velux rooflights with a vertical element, in the south elevation at first floor level. The plans show that the vertical element will be obscurely glazed and fixed shut and a condition can be imposed to ensure that this is not changed in the future. This will prevent significant overlooking to neighbouring occupiers. The proposed alterations to the first floor will reduce the space between the dwelling and the neighbouring occupier to the south, however this will be by approximately 1.3m and is not considered sufficiently harmful to residential amenity to warrant refusal of the application. The extension has been designed to continue the slope of the roof, and does not involve the erection of a full height wall at first floor level. The application also includes the introduction of a box dormer window to the rear roof slope. This measures 4.7m in width and features three panes. This will create an increased level of overlooking, but this is not considered to be significantly detrimental to residential amenity due to the existing presence of windows at the rear of the dwelling which already allow views into neighbouring gardens. The potential for additional windows in the future can be controlled by condition, to prevent overlooking impacts on neighbouring residential dwellings.

7.7 Concerns have been raised during the neighbour consultation that the proposed extension would be substantial and affect those living nearby. Neighbours are concerned that the proposals would affect them through a loss of light. Additional concerns include that the majority of windows at the rear of Number 35 face northwards towards Number 33, and that the majority of rooms in Number 35 access daylight from these windows. The concerns raised discuss that the existing daylighting to Number 35 is poor and inadequate, and a further reduction is unacceptable, resulting in light access almost half of that which is deemed necessary. Concerns state that the proposals do not prevent further impacts on existing poor levels of daylight and that as the eaves are the critical feature, the reduction in the roof height of the proposed two storey element does not mitigate this impact. Further, these concerns say that daylighting to Number 35 is likely to be seriously affected and result in an increased need to use artificial lighting, which will have an adverse impact on this occupiers quality of life.

- 7.8 The single storey element of the proposed extension features a flat roof with a maximum height of 2.9m. This is set back from the boundary line by approximately 1m. While the uppermost part of the proposed extension would be visible above the boundary fencing, this is not considered to be significantly overbearing or create a loss of light to the adjacent neighbour, due to its position north of the neighbouring dwelling at Number 35. The proposed extension at first floor level increases the width of the proposed extension by approximately 1.3m. The existing pitch of the roof would be extended down to cover the short extension to the side, and would finish approximately 2.7m from the boundary line. The small extension to the first floor section of the property will be visible from the neighbouring dwelling of Number 35 but is not considered to be significantly overbearing or create a loss of light which is detrimental to neighbouring occupiers' quality of life. It should be noted that under permitted development a boundary fence could be erected up to 2m in height.
- 7.9 Concerns have also been raised about the level of overlooking created by the proposal, and the amount of overbearing and sense of enclosure. Neighbours are concerned that adjacent gardens will be overlooked, resulting in a loss of privacy and enjoyment. There are also concerns that the side-facing windows will completely overlook neighbouring gardens. There are two existing side-facing windows, one of which is inter-visible glass, and it is proposed to replace these with three velux rooflights which are partially vertical and partially in the roof slope. The plans show these windows are to serve bathrooms and a bedroom, and that that the vertical elements of these rooflights will be obscure glazed and fixed shut something which can be controlled by condition, which is considered sufficient to prevent significant levels of overlooking. There are concerns that the ground floor extension is significant and will result in a new 13m long façade approximately 1m from the neighbouring boundary. Comments have been received to say that the extension is very dominant and will increase the feeling of enclosure to neighbouring properties. There are also concerns that the extensions would dominate the outlook from neighbouring windows due to the proximity to the boundary. As set out in paragraph 7.8, the single storey element of the proposed extension features a flat roof with a maximum height of 2.9m, which is set back from the boundary by approximately 1m. While the uppermost part of the proposed extension would be visible above the boundary fencing, this is not considered to be significant enough to cause overbearing or contribute to an increased sense of enclosure to neighbouring properties. When measured on the submitted plans the existing height of the glazing in the conservatory is 2.1m from the ground and the height of the proposed glazing in the extension measures 2.2 metres on the submitted plan, therefore a difference of 0.1m from the existing glazing height. In addition, the proposed windows would be positioned behind the boundary fencing, and while some of the glazing will be visible above the boundary fencing, direct views of the neighbouring property would be limited by this boundary treatment. It should also be noted that ground floor side elevation windows can be inserted under permitted development. The extension at first floor level would increase the width of the first floor element by 1.3m, and the existing roof pitch would be lengthened accordingly to accommodate this increase. This extension is not of a scale that would significantly increase the level of overbearing or sense of enclosure created by the existing house. Neighbours are concerned that the proposals would remove any distance outlook from their properties, and leave only short distance outlooks. Due to the existing two-storey element of the dwelling,

certain views from neighbouring properties are restricted at present. The proposed extension to the first floor element is small in scale and is not considered to worsen the relationship between the dwelling and neighbouring properties. There are existing windows at first floor level which overlook neighbouring gardens, not only in the host dwelling but also other dwellings within the vicinity, and therefore the addition of a dormer window to the roof slope is not considered to significantly increase this level of overlooking. Likewise, concerns have been received regarding the new larger window to the rear elevation at first floor level, however this replaces an existing window and is not considered to increase the level of overlooking already present. The Supplementary Planning Document, Design Guide, recommends that rear inter-visible windows should be a minimum of 20m in distance apart. The rear elevation of the proposed extensions is approximately 25m from the rear boundary of the property and therefore this accords with the Design Guide SPD.

- 7.10 Neighbours have raised concerns regarding the installation of rooflights in the single storey element of the proposals. These concerns are that neighbouring occupiers will be able to look down into the property. These rooflights serve a kitchen, dining room and living room, and in any event, this is the choice of the applicant whether they wish to utilise this style of lighting. Further concerns have been raised that in order to prevent overlooking, boundary fences would need to be approximately 2.4m in height and would increase the feeling of enclosure in neighbouring gardens. It should be noted that no changes to the boundary treatments are being proposed. Neighbours are also concerned that the flat roof element of the extension will be used as amenity space for residents and used as a balcony, and that this will also allow access to neighbouring properties. The proposals do not propose a balcony, and therefore any granting of planning permission does not authorise the use of the flat roof extension as a balcony which, if it happened, could be the subject of enforcement action.
- 7.11 Visual Amenity
- 7.12 The proposed alterations to the dwelling will not be highly visible from the public highway of Cambridge Road as only the northern elevations of the dwelling are visible. The length of the rear element at first floor level is not being increased, and views of the ground floor extension would be limited by the boundary treatments of the property and the neighbouring property at Number 31a. The application form states that materials will be used which match the original dwelling, and therefore the proposal will not appear uncoordinated.
- 7.13 Concerns have been raised during the neighbour consultation regarding the visual impact of the proposal. These concerns include that the properties in the vicinity have a distinctive form and character, and the proposals would remove a significant fraction of the house's garden, preventing this from being used as an outdoor amenity and undermining the character of the whole group of properties. The concerns state that proposed extensions would feel crowded and out of scale in the setting of the neighbouring properties, and that the proposals are out of context with a conventional C3 or C4 home. Neighbours have commented that all similar properties have been extended at single storey level, but not the full width of the house, which has maintained the spacing and openness for neighbours. It was noted by neighbours that Number 33 is the only house to have already been

extended beyond the others at 2 storey scale, and is dominant over neighbouring properties. While the design of the extension to the rear of Number 33 is slightly different to other dwellings in the vicinity, the layout of the proposed works at first floor would not be significantly dissimilar to neighbouring properties. Neighbours dispute that the proposed works would not be seen from the public highway, and say that these would be clearly visible in the 2m gap between the Numbers 33 and 35. The proposed extension at ground floor level would be set in the from the side elevation of the existing dwelling by 0.4m and while this may be partially visible from certain aspects when viewed from Cambridge Road, these views are minimal and would not significantly alter the appearance of the dwelling within the street scene.

7.14 Historic Environment

- 7.15 Policy ENV11 of the Local Plan and policy LP28 of the Submitted Local Plan 2017 require that development proposals within Conservation Areas be of a particularly high standard of design and materials. When assessing the impact of a proposed development on a heritage asset, the more important the asset, the greater weight should be. For example, a Grade I, Grade II*, or a Grade II listed building should be afforded greater weight than a conservation area. The NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 7.16 The Conservation Officer was consulted on this application following amendments to reduce the size of the extension and comments dated 11th November 2017 were received. The Conservation Officer commented that the amendments had gone further to address the concerns which had previously been raised in regards to scale, visibility and the design of the proposed extension and welcomed the removal of the 2 storey element. Concerns were raised by the Conservation Officer in relation to the extent of the extensions and their visibility within the street scene (along the side elevation) and the Conservation Officer concluded that in their view the proposal results in less than substantial harm to the conservation area, and that such harm that there may be should be weighed against the public benefits.
- 7.17 The application has been re-assessed as part of the determination process and comments have been received from the Council’s new Conservation Officer. These comments, received 25th May 2018 state that “the Conservation Area Appraisal has described Cambridge Road as a residential street with mainly large and imposing dwellings running the whole length of the road. The number of substantial buildings give this part of the city a dignified and welcoming entrance to the historic city. There is no predominant materials found in this part of Cambridge Road other than a variety of gault and red brick as walling materials and slate and tile for roofing materials. The character of the area therefore is given over to large villas of no particular style but dating from 19th and 20th century”.
- 7.18 The heritage asset in relation to this application is the Ely Conservation Area. It is considered that the proposed extensions would not impact on the significance of this heritage asset (Ely Conservation Area) and this is concurred with by the Conservation Officers comments of 25th May 2018, who in their view states that the single storey rear extension is designed to have minimal impact on the character of

the conservation area given its flat roof profile which will cause no harm to the character and appearance of the conservation area. The Conservation Officer has confirmed that the rear extension will hardly be visible from the public domain between numbers 33 and 35 as the view is at an oblique angle from the public roadway. The Conservation Officer goes on to advise that when viewed from the direction of 27 and 31A Cambridge Road, the views to the rear of Number 33 are not considered to cause harm to the character and appearance of the Conservation Area, especially set against the current soft landscaping.

- 7.19 The proposal would be sympathetic to the surrounding area and the street scene in terms of the materials proposed and will not be highly visible from the street scene of Cambridge Road. Officers consider that the proposal will not lead to substantial harm or the loss of significance of the heritage asset. The proposed demolition of the conservatory is considered acceptable and a benefit as it has no architectural, historic or visual significance. In contrast, the proposal comprises a high standard of design and materials in order to preserve the character of the conservation area as stated within policy ENV11 of the Local Plan, 2015 which is a further benefit. Views of the proposed works from the heritage asset will not be evident or will only be limited, due to the location of the extensions, and the existing 2 storey element in situ, boundary treatments and the positioning/location of the dwelling in the conservation area. In view of this it is considered that there would no harm to the conservation area so there is no requirement to weigh the public benefits against any harm.
- 7.20 Highway Safety
- 7.21 Concerns have been raised during the neighbour consultation regarding the parking arrangements for the property. The proposal is for extensions to the property and therefore is not required to provide additional parking provision. Concerns have been raised that the area of land outlined in red to the north of the dwelling is not a parking area owned by the applicant, however the applicant has stated that they own the land. Further concerns have been raised regarding the use of the property and that this may be used as an HMO. Neighbours have objected to the extension of the property as an increase to the living space provided may increase the number of tenants and have a negative impact on the demand for parking in the area. The use of the property is for a C3/C4 dwellinghouse, and this has not been changed under a planning application. The proposals considered by this application are to an existing C3/C4 dwellinghouse, and additional parking provision would not be requested as part of an application such as this due to the existing parking situation. The use of the property has been raised with the Planning Enforcement Team as a separate matter and this is being investigated.
- 7.22 Neighbours have raised concerns that the parking shown on the plans exits onto Cambridge Road in a dangerous location and has no turning provision. Additional comments received state that the parking shown is only suitable for one large vehicle, and that parking on Cambridge Road is already a problem as it is on-street only. Further comments indicate that this area is actually garden land, and that the additional pressures on parking would have a significant negative public amenity impact. In any event, land ownership issues are not a material planning consideration and would not affect the determination of an application. The application does not propose parking or provide the necessary details for this to be

considered, and therefore any grant of permission does not include permission for a new parking area.

7.23 Other Matters

- 7.24 A number of concerns have been raised by neighbours regarding the use of the property. These state that the property is used as an HMO and that by extending the property there is potential for subdivision of the property to increase tenants rooms and occupancy. Neighbour comments state that there is a separate dwelling unit in the form of the conservatory to the rear. Neighbours anticipate that the number of occupants will significantly increase. Neighbours are also concerned that additional accommodation will cause more noise pollution due to tenants coming and going at all time of the day and night. Neighbours have commented that the present level of occupancy is approximately 10, sometimes 13, and is broadly peaceful, but that the increase in accommodation mean that there could be 20 or more adults living in what is supposed to be a family home. In addition, it is noted that the occupants create a regular low level noise nuisance, but that the increase in occupancy will make this more frequent and troublesome. Neighbours have also commented that the impacts on the residential amenity of neighbouring occupiers is exacerbated by the manner in which the property is used, as rooms are used as bedsits, and that the use should be addressed as part of the application.
- 7.25 It should be noted that, as set out in paragraph 7.21, the lawful use of the property is for a C3/C4 dwellinghouse, and this has not been changed under a planning application. Therefore the proposals considered by this application are to an existing C3/C4 dwellinghouse which can accommodate not more than 6 residents as a HMO. The use of the property has been investigated previously and is currently being investigated again following comments received.
- 7.26 Concerns have been raised that the applicant seeks to occupy or let the house as a single family dwelling, but that the development makes the property less attractive to a single family occupancy. The proposed works would provide additional living space at the dwelling, and whether this is more or less attractive to a single family is a personal matter which would not impact the determination of a planning application.
- 7.27 Other concerns raised by neighbours include the level of information contained in the application and the relationship between the proposal and the neighbouring dwellings. The agent has supplied a block plan showing the position of the proposed extension in relation to the site boundaries and neighbouring properties. Concerns have also been raised regarding the close proximity of the proposed works to the neighbouring properties, and that this poses an increased fire risk. The proposed extensions do not sit any closer to the neighbouring dwellings than the existing main body of the house. Neighbours have requested that evidence that the proposed openings comply with the Space Separation requirements under building regulations. This is a matter that would be assessed at building control stage, and would not impact the determination of this planning application.
- 7.28 Neighbours are also concerned that the proposal creates a 21m narrow dark alleyway which creates a security risk due to the number of visitors to the property.

Neighbours note that there is currently a side gate but that this is not locked. Security is a private matter between residents and would not influence the determination of a planning application.

7.29 Neighbours have commented that the Public Sector Equality Duty is a consideration in planning applications to ensure the quality of life of people with additional needs is maintained. That duty, in section 149 of the Equality Act 2010, is to have due regard to the need to (i) eliminate discrimination and other prohibited conduct under the Act; (ii) to advance equality of opportunity between persons who share relevant protected characteristics and those who do not; and (iii) to foster good relations between such persons. The duty is to have due regard to these three aims. The impacts on the residential amenity of neighbouring occupiers, including at least one who may share relevant protected characteristics, has been considered at length in section 7.4 - 7.10 of this report and the Council has demonstrated due regard for the impacts of this proposal on such persons. In addition, it has been suggested that at least some of the current occupiers of the application property may also be persons who share relevant protected characteristics as defined in s149. However, given that the application, if approved, is likely to result in some improvements to the property with little or no identified detriment to such persons, it is considered that due regard has been had to the impact of the proposal on such persons.

7.30 Planning Balance

7.31 On balance, the proposal is considered to comply with both local and national planning policy and does not cause harm to the heritage asset which is Ely Conservation Area. The lack of parking weighs against the proposal, however this remains unchanged from the current arrangement. The proposal is not considered to create significantly harmful impacts to the neighbouring dwellings or on the visual amenity and character and appearance of the conservation area. On balance, this application is therefore recommended for approval.

8.0 APPENDICES

8.1 Appendix 1 – Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/01395/FUL	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555
00/00613/FUL	Ely	catherine.looper@e astcambs.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>

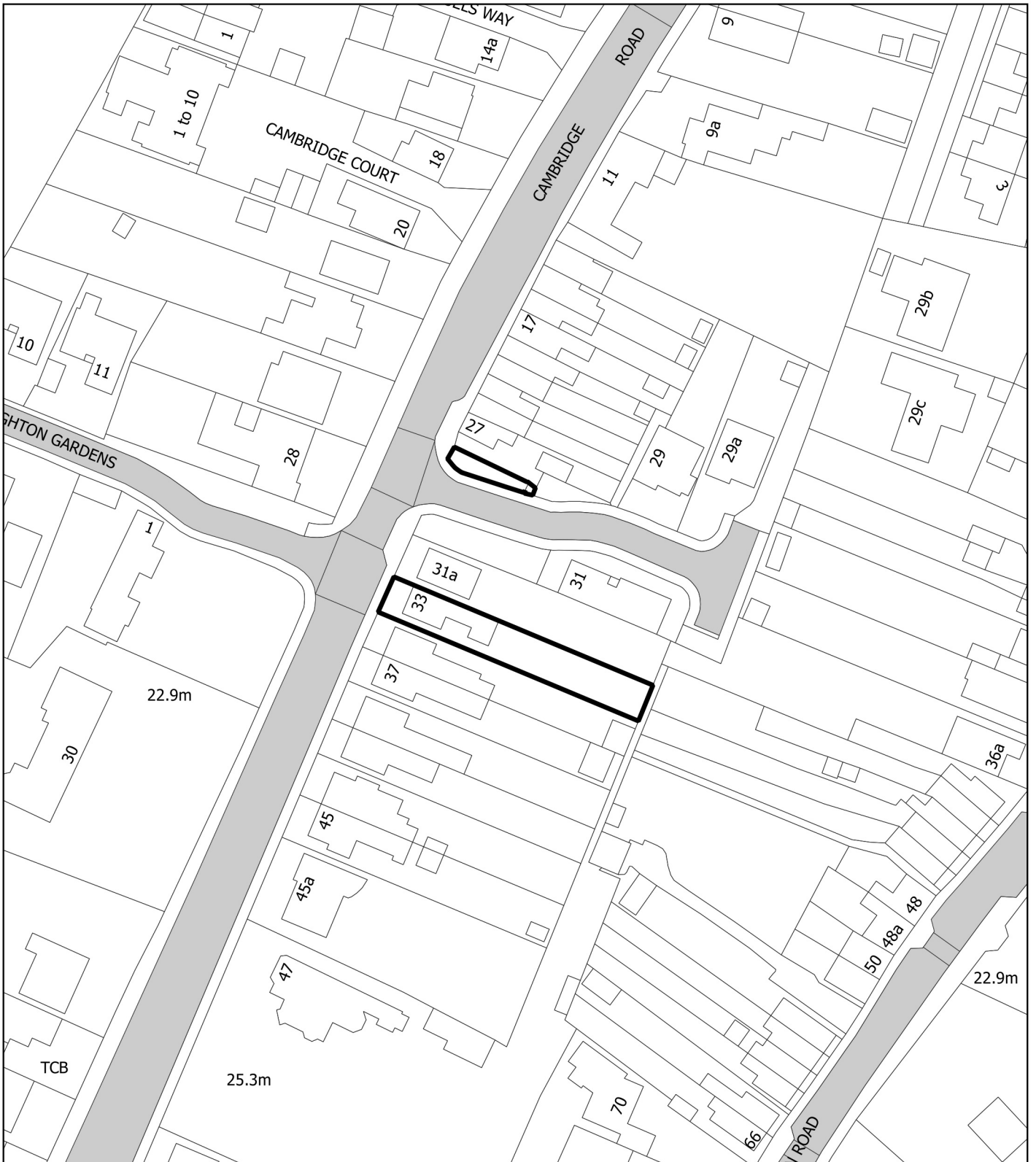
APPENDIX 1 - 17/01395/FUL Conditions

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

Plan Reference	Version No	Date Received
EDG/15/40/1D		2nd November 2017
EDG/15/40/2	A	11th December 2017

- 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, doors, windows and the roof, shall be as specified on the application form. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015, and policies LP22 and LP27 of the Proposed Submission Local Plan 2017.
- 4 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 any elevations.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Proposed Submission Local Plan 2017.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Proposed Submission Local Plan 2017.
- 6 The first floor windows in the south elevation shall be glazed using obscured glass and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.

- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Proposed Submission Local Plan 2017.



17/01395/FUL

33 Cambridge Road
Ely



East Cambridgeshire
District Council

Date: 20/12/2017
Scale: 1:1,000



© Crown copyright.
All rights reserved 100023279 (2017)

MAIN CASE

Reference No: EXT/00002/18

Proposal: CAMBRIDGESHIRE COUNTY COUNCIL - Erection of an energy from waste facility, air cooled condensers and associated infrastructure, including the development of an internal access road; office/welfare accommodation; workshop; car, cycle and coach parking; perimeter fencing; electricity sub-stations; weighbridges; weighbridge office; water tank; silos; lighting; heat offtake pipe; surface water management system; hardstandings; earthworks; landscaping and bridge crossings

Site Address: Waterbeach Waste Management Park Ely Road Landbeach CB25 9PG

Applicant: AmeyCespa (East) Limited

Case Officer: Andrew Phillips Senior Planning Officer

Date Received: 16 January 2018 **Requested comments by:** 29 May 2018

[T16]

1.0 **RECOMMENDATION**

1.1 Members are recommended to confirm the wording of the consultation response of East Cambridgeshire District Council to Cambridgeshire County Council in respect of the above proposal as:

Thank you for reconsulting East Cambridgeshire District Council on the 27 April 2018.

No new information has been submitted regarding the A10, please refer to our previous concerns.

The recommended condition by the developer in regards to source of waste material is considered to partially overcome this Authority's concerns but the

condition should be amended in order to include a public register in order to demonstrate that the developer is complying with the condition.

In regards to the impact on Ely Cathedral it is now considered that the developer has fully assessed the impact on this Grade I Listed Building. This Authority believes the public benefit will outweigh the harm and for this reason has no objections, as long as Historic England have raised no fundamental objections in its latest comments in regards to the Cathedral.

While it is believed that there will be some light spillage off the site, this is likely to only affect the immediate surrounding countryside which is located within South Cambridgeshire. This Authority will support the view of South Cambridgeshire District Council but does seek for the recommended condition by the developer in regards to limiting any additional lighting to be added to any consent.

2.0 SUMMARY OF APPLICATION

- 2.1 East Cambridgeshire Local Planning Authority was consulted originally on this proposal on the 16 January 2018 and reconsulted on the 27 April 2018. The application was originally considered by Members at the March 2018 Planning Committee.
- 2.2 The proposal is for a waste recovery facility (27.4 megawatts, 24.4 megawatts to the national grid) that would generate enough energy for 63,000 homes. It is also capable of exporting heat to local users (e.g. Waterbeach Barracks Development). To create this energy it would need to burn up to 250,000 tonnes of waste (non-hazardous) per annum.
- 2.3 The proposed building measures 141m in length, width 55m – 91m, main height of the building would be 41.7m with a max height of 80m (chimney). The height of the main building would be similar to 8-10 storey building.
- 2.4 The relevant documents are on the Cambridgeshire County Council website (reference: S/3372/17/CW):
<http://planning.cambridgeshire.gov.uk/swift/apas/run/wphappcriteria.display?paSearchKey=70008>

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located fully within South Cambridgeshire District Council, it is situated just north of Waterbeach along the A10, though the proposed new town at Waterbeach will be almost opposite. The Listed Building of Denny Abbey and the Farmland Museum is directly opposite. To the south of the site is Cambridge Research Park.
- 4.2 The site is already a Waste Management Centre and has several large buildings (three storeys) on it.

5.0 This Authority's Previous Response

5.1 Thank you for your consultation on the 16 January 2018 and follow up email on the 24 January 2018.

The proposal is allocated in policy (SSP W1K) in Minerals and Waste Site Specific Proposals Development Plan Document Adopted February 2012. However, following the National Planning Policy Framework (NPPF) being adopted March 2012, the weight granted to this policy should be based on its compliance with the NPPF. It is noted that the Planning Statement makes due reference to the NPPF.

It is noted and supported that the County Council Local Planning Authority is hiring relevant specialists to assess this application in relation to noise, emissions and visual impact and East Cambridgeshire support this.

It is noted that the electrical and heat connections to offsite infrastructure/development will cause short congestion and delay on the A10. It is advised that discussions are had with the Cambridgeshire and Peterborough Combined Authority as it is understood that improvements/road works to the A10 in the next few years are a key priority. The land to the east is covered by Denny Abbey (including Farmland Museum) and this is an important historical asset to the region and any road expansion/alterations on this side of the A10 could be detrimental to the setting of the historical asset.

With it not appearing that the proposal has taken into account the likelihood of works to the A10 and the potential loss of landscaping/water management proposed as part of this development, it is recommended that the application is refused or additional information sought in order to demonstrate it would not prejudice the bringing forward of a significant piece of infrastructure improvement.

It also needs to be confirmed if waste will be brought from out of the county and the impact that this could have on the wider highway network and the road mileage costs.

The impact on Ely Cathedral (Grade I Listed Building) will need to be assessed.

Any light pollution from the building will need to be kept to an absolute minimum and only for health and safety reasons to ensure minimal impact on the surrounding fen dark skies.

The determining body will need to be certain that there will be no emissions that will be detrimentally harmful to human health.

The Council requests to be reconsulted once additional/amended information is received.

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 6	Renewable energy development
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents
Contamination
Cambridgeshire Flood and Water
Design Guide

6.3 National Planning Policy Framework 2012 (NPPF)

- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

6.4 Submitted Local Plan 2017

- LP1A presumption in Favour of Sustainable Development
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP18 Improving Cycle Provision
- LP20 Delivering Green Infrastructure, Trees and Woodland
- LP21 Open Space, Sport and Recreational Facilities
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

6.5 Minerals and Waste Site Specific Proposals Development Plan Document Adopted February 2012 (Cambridgeshire County Council)
SSP W1K - Pages 163 - 164

7.0 PLANNING COMMENTS

- 7.1 With the application being a County Council Application and in a neighbouring authority (South Cambridgeshire) the key impacts that this Authority was concerned about was impact on highways, where was the waste being sourced from, impact on Ely Cathedral and light pollution.
- 7.2 Impact on Highways
- 7.3 There has been no additional information received regarding the potential disturbance on the A10 or that Cambridgeshire and Peterborough Combined Authority have commented upon the proposal. The concerns raised previously are, therefore, still considered to be relevant.
- 7.4 Source of Waste
- 7.5 The developer is recommending a condition to ensure that at least 70% of waste is secured from the region (Cambridgeshire and Peterborough, Milton Keynes, Hertford, Suffolk, Essex, Norfolk, Luton, Bedford, Central Bedfordshire, Northamptonshire, Rutland and Lincolnshire). While this is a relatively positive step to ensure substantial waste is not being imported from large distance or offshore it is not considered to be enforceable in its current wording. It is recommended that the suggested condition is amended in order to include a public register from where (and how much) waste has come from to ensure the condition is enforceable.
- 7.6 Impact on Ely Cathedral
- 7.7 The developer has now stated:

“Clearer views may be available from the West Tower, and in such views it is likely that the Proposed Development would be clearly visible in clear weather. However, in such views the Proposed Development would be a very distant (over 12km) minor component seen in the context of a 360-degree view containing many contemporary influences. As such the significant effects on visual amenity would not result.”
- 7.8 While County Council is not seeking a response on this detail, it is the Case Officers view that Ely Cathedral has now clearly been considered. In addition with the relative minor harm the public benefits of using waste to create energy would outweigh this harm and therefore comply with the requirements of chapter 12 of the NPPF.
- 7.9 It is presumed that County Council have sought views from Historic England in regards to this point.
- 7.10 Light Pollution
- 7.11 The developer has recommended a condition to ensure that the proposal cannot increase the lighting without prior agreement and would still need to comply with the mitigation set out within the Environmental Statement.

- 7.12 The submitted plans show that the vast majority of light spill will be on site but that the amount of flood lights will be noticeable from the surrounding countryside. With the area appearing to be affected fully within South Cambridgeshire District Council's domain it is considered reasonable for them to comment upon the immediate light spillage. If it does not raise any objection from South Cambridgeshire District Council the harm to East Cambridgeshire will be negligible.
- 7.13 Planning Balance
- 7.14 It is for the determining body to balance the benefits and harm that the proposal will cause. However, while it is considered that the proposal could have a significant benefit to the sustainable creation of energy through turning waste into a resource the determining Authority still needs to carefully consider conditions and ensure appropriate consultation has taken place.
- 7.15 Members are requested to support the wording of the response as defined within paragraph 1.1.

Appendix 1 – Clarification Letter 24 April 2018

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
EXT/00002/18	Andrew Phillips Room No. 011	Andrew Phillips Senior Planning Officer
S/3372/17/CW (County Ref)	The Grange Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

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

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>

Our Ref: DA/TM/1970-01/FC

24th April 2018

Miss Emma Fitch
Business Manager
County Planning Minerals and Waste
Cambridgeshire County Council
Environment Services
Castle Court
Castle Hill
Cambridge
CB3 0AP

planning

transportation
planning

environment

design

Dear Miss Fitch

APPLICATION FOR FULL PLANNING PERMISSION FOR THE CONSTRUCTION AND DEVELOPMENT OF A WASTE RECOVERY FACILITY (WATERBEACH WASTE RECOVERY FACILITY – WWRF) AT LEVITTS FIELD, WATERBEACH WASTE MANAGEMENT PARK (WWMP), ELY ROAD, CAMBRIDGE. COMPRISING THE ERECTION AND OPERATION OF AN ENERGY FROM WASTE FACILITY TO TREAT UP TO 250,000 TONNES OF RESIDUAL WASTE PER ANNUM, AIR COOLED CONDENSERS AND ASSOCIATED INFRASTRUCTURE; INCLUDING THE DEVELOPMENT OF AN INTERNAL ACCESS ROAD; OFFICE/WELFARE ACCOMMODATION; WORKSHOP; CAR, CYCLE AND COACH PARKING; PERIMETER FENCING; ELECTRICITY SUB-STATIONS; WEIGHBRIDGES; WEIGHBRIDGE OFFICE; WATER TANK; SILOS; LIGHTING; HEAT OFF-TAKE PIPE; SURFACE WATER MANAGEMENT SYSTEM; HARDSTANDING; EARTHWORKS; LANDSCAPING AND BRIDGE CROSSINGS.

LPA REFERENCE: S/3372/17/CW

INFORMATION SUBMITTED TO PROVIDE FURTHER CLARIFICATION

I write with reference to the above application for planning permission and specifically your email to me of the 26th March 2018 in which you set out a number of points which you required clarifying to enable you to determine the planning application.

In addition to the responses set out below, we have separately written to you providing information which we believe represents additional substantive environmental information. As the relevant determining planning authority, you will need to satisfy yourself as to whether any of the information provided below, or that provided to you under separate cover, constitutes additional information under the definition set out in Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. If you conclude that all or part of the information provided does, then you will need to follow the notification and consultation procedures set out under Regulation 22.

Fire Water

Clarification has been sought by, amongst others, the Cambridgeshire Fire and Rescue Service, as to details regarding the provision of emergency water supplies for the site. At this stage a specific fire strategy for the proposed Waterbeach Waste Recovery Facility (WWRF) has yet to be produced as the fire risk evaluation has yet to be developed by the WWRF technology provider in conjunction with the applicant. Notwithstanding this, the

Chester Office:
Well House Barns
Bretton
Chester
CH4 0DH

South Manchester Office:
Camellia House
76 Water Lane
Wilmslow
SK9 5BB

fire strategy adopted for the facility would ensure that the following requirements are considered and addressed within the final design:

Life Safety

- Building Regulations 2010 (Fires Safety, Approved Document B, Fire Safety for Buildings other than Dwelling houses) as guidance for meeting the life safety requirements.

Property Protection and Management

- NFPA 850 Recommended Practice for Fire Protection of Electric Generating Plants and High Voltage Direct Current Converter Stations, 2010 Edition published by the National Fire Protection Association;
- Chubb (ACE) Technical Guide - Energy from Waste EfW - Fire Systems. (Issue 1.0, 26 March 2014);
- Chubb (ACE) Technical Guide - Waste Processing Plants - Fire Systems (Issue 1.0, 26 March 2014).

The fire strategy would be subject to agreement with Building Control, the Fire and Rescue Service and Insurers and would be subject to revision in accordance with their requirements as the design of the plant is finalised.

Whilst the WWRF would have its own fire strategy the document would be coordinated with the current Contingency and Emergency Plan for the Waterbeach Waste Management Park (WWMP) in order that arrangements are consistent and compatible. The systems installed within the WWRF plant to ensure fire protection and safety would conform to the relevant and latest British and European standards, codes of practice, regulations and laws, including, but not limited to:

- BS EN 671: Fixed firefighting systems;
- BS 5266: Emergency Lighting;
- BS EN 54: Fire detection and fire alarm systems;
- BS 5839: Fire Detection and Alarm systems for buildings;
- BS EN 15004: Fixed firefighting systems – Gas extinguishing systems;
- BS EN 12845: Fixed firefighting systems – Automatic sprinkler systems – Design, installation and maintenance;
- CIBSE Guide Volume E, Fire Engineering, 2003;
- BS 5306: Fire extinguishing installations and equipment on premises;
- BS 5588: Fire precautions in the design construction and use of buildings (only in as much as referred to in the Building Regulations); and
- BS 9999: Code of Practice for Fire Safety in the design, management and use of Buildings.

Whilst the specific arrangements for the provision of fire water would be developed in line with the Strategy outlined above the applicant has at this stage included in the layout for a fire water tank with a volume of approximately 1,000m³. The tank is located at the north-west corner of the site and would be fed by a towns water supply. For contingency purposes, the applicant proposes to allow this tank to be fed via pump-set with water from

the attenuation pond at the south east of the site to improve the recharge times and to mitigate for failures in the mains water supply. As an option, the applicant also proposes that in an emergency water could be drawn directly from the attenuation pond to provide firefighting water supplies. To show these arrangements along with the approximate demands for process water within the facility, a simplified water flow diagram is presented in **Appendix [A]**.

The fire tank would be connected to a fire water ring main dedicated to the WWRF which in turn would feed a range of firefighting equipment including (but not limited to) hydrants, remotely operated fire cannons (in the bunker), sprinklers, water sprays and fire hose reels. An automatic fire detection and alarm system would be provided and would be designed in accordance with BS5839-1 by a suitably qualified, experienced and registered fire protection engineer. Access to the facility by the fire service in an Emergency would be via the main entrance and then via the haul road to the site, as shown on **Figure [1] and [2]**.

Energy Statistics

In your email of 26th March 2018, you have asked for confirmation as to the way in which we have used energy statistics to calculate the equivalent number of homes that could be supplied power by the proposed facility. You have also provided us with the opportunity to respond to the claim that, when compared to other energy figures quoted from other facilities in the Country, the benefits of the scheme appear to have been exaggerated within the application documents.

Information on the estimated electricity that could be exported to the local electricity distribution network and the homes equivalent this could supply, is presented in Section 12.4.23 Chapter 12 (Socio Economic Effect) of the Environmental Statement (ES).

During the pre-application process, the values that were used to estimate the potential number of homes that could be supplied by the facility was based on the information available at that time. The applicant confirmed that; based on the facility being capable of exporting 24.4MWe of power and the plant running for 7,800 operating hours per year, the calculated amount of energy being generated by the facility would be around 190,320 MWh per annum. To calculate the number of homes that could be potentially supplied, this is divided by 4,000kWh (the assumed annual electrical consumption value of a domestic dwelling). This equates to 47,580 homes, which for the purpose of the pre-application documentation was rounded down to 45,000 homes.

In finalising the Socio-Economic Assessment, the applicant reviewed this calculation, updating the draft assumptions presented during the pre-application engagement. The data contained within the application assumes that the facility is capable of exporting 24.4MWe of power over 8,000 operating hours (a design parameter requirement for the proposed plant) which equates to 195,200 MWh per annum. Typical Domestic Consumption Values were updated to reflect up-to-date information provided by Ofgem, specifically the 2017 Typical Domestic Consumption Values of a Profile Class 1 Domestic User.

The table below provides a summary of the possible homes that could be supplied by the facility using the 195,200 MWh of energy produced by the plant per annum and using the Ofgem "Typical Domestic Consumption Values of a Profile Class 1 Domestic user" for 2017.

OFGEM 2017 - Typical Domestic Consumption Values of a Profile Class 1 Domestic user	Number of equivalent homes supplied	Number of equivalent homes supplied (rounded)
Low (1,900 kWh)	102,737	103,000
Medium (3,100 kWh)	62,968	63,000
High (4,600 kWh)	42,435	42,000

For the purposes of the Socio-Economic Assessment, the applicant selected the "Medium" range profile i.e. 62,968 homes (rounded to 63,000 homes) to illustrate the number of homes equivalent that could be supplied by the facility.

Due to the use of different data sets and operating variables in the calculations it is often not possible to make direct comparisons with other energy from waste plants in this respect. Reasonable variables that would influence the figure used for illustrative purposes, include:

- Hours of operation;
- Technology type;
- Technology efficiency;
- Domestic energy use and efficiency;
- Change over time; and
- Contract requirements.

Direct Heat

Your email of the 26th March 2018 seeks a number of clarifications in respect of the potential for the delivery of heat from the WWRF and the anticipated timescales for implementation. The proposed development has been designed to export up to 24.4MW_e of power and up to 10.0 MW_{th} of heat, subject to technical and economic feasibility. In this instance, there are two large scale residential developments (a 6,500-house development promoted by the developer Urban & Civic, and a 4,400 house development promoted by the developer RLW) that are in the initial planning stages and are located in close proximity to the proposed Waterbeach Waste Recovery Facility (WWRF). When constructed these two developments would have a total heat demand estimated to be 81,750 MWh/year. As a result, they represent strong opportunities for the delivery of direct efficient and sustainable heat from the WWRF.

Clarification has been sought as to the distance that heat could be piped from a facility such as the WWRF and continue to be economically viable.

Modern heat-insulated piping technology enables hot water to be transferred large distances without significant losses; best industry practice requires that the total annual heat loss from the network should not exceed 10% of the sum of the annual heat consumption of all consumers connected. Since proposals in this case are centred on new-build consumers, it may be possible to reduce system operating temperatures and hence heat losses. The network design should however be developed to minimise the overall length of the network and hence reduce costs and heat losses, including considering higher specification pipeline insulation. For a facility of this type, the Environment Agency (EA) guidance means that the applicant is obliged to consider heat export opportunities within 10km of the proposed development. At a distance of under 2km, the proposed barracks development and research park are well within technically

feasible export limits. Networks of this order of magnitude are not uncommon. A detailed engineering assessment would be required to determine the optimum route for connection, accounting for finalised development masterplans, buried services, and other topographical barriers.

In their consultation response to you, South Cambridgeshire County Council questioned how the heat pipe connection would be secured and delivered and by when.

The installation of the heat pipe is dependent upon a future commercial agreement between the future developers of the New Town (or an alternative appropriate heat user) and the developer of the WWRF (the heat supplier), and therefore the delivery of it cannot be guaranteed as part of this application. Installation of the pipelines is capital intensive and the applicant would require some level of security that capital and operational costs could be recovered. Also, installing pipes too far ahead of actual use can lead to corrosion issues unless specific preservation measures are put in place. Timescales for installation of the pipeline would need to align with construction of the residential developments in order to maximise the likelihood of connection. Based on projected build out rates, installation completion in the early 2020's would be optimal, but will depend on progression of the residential developments through the planning process and willingness of the developers to enter into commercial agreements. For a network of this size, the heat export infrastructure could be installed indicatively within 18 months. However, the route to the site boundary can be confirmed and safeguarded at WWRF design stage and this could be secured by a planning condition.

The Secretary of State has set precedent, when determining a number of planning applications for similar development proposals, that contracts for the supply of heat and power cannot reasonably be expected to be entered into prior to planning permission being obtained. Furthermore, significant weight should be given in favour of such proposals irrespective of that fact. The important factors in deciding the weight to be given to the opportunity in favour of a project is the proximity of a plant to potential customers for the heat and the obvious factors that may exist which would prevent its delivery. In this case, the New Town (heat user) and the WWRF (heat supplier) are being delivered within broadly the same timescales and are located in close proximity to each other.

In order to realise the proposed network, the applicant would view favourably any planning conditions that require future housing developers to seriously consider connection to the proposed heat network, especially given the favourable circumstances in this case. Any fiscal support made available through the Council's prudential borrowing powers or access to central Government subsidies (HNIP or HNDU) could be utilised to support the economic case. Furthermore, it is evident that a district heating network of this nature, with heat supplied from a low carbon and (partially) renewable source, would align with Cambridgeshire County Council's Energy Strategy and the UK's wider decarbonisation targets.

The WWRF would need to operate in compliance with both its planning permission and an environmental permit and as set out above, EA guidance means that an applicant is obliged to consider heat export opportunities. In order to provide reassurance through the planning system, the applicant would accept a condition on the grant of planning permission, similar to that imposed on other Combined Heat and Power (CHP) ready energy from waste facilities across the UK, that provides for ongoing monitoring and full exploration of potential commercial opportunities. The applicant has therefore provided the following suggested model condition:

SUGGESTED DRAFT HEAT CONDITION

“Commissioning shall not commence until a CHP Feasibility Review assessing potential commercial opportunities for the use of heat from the development shall be submitted to, and approved in writing by, and deposited with the Waste Planning Authority. This shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development, and for the provision of subsequent reviews of such commercial opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of necessary plant and pipework to the boundary of the site shall be submitted to, and approved in writing by, and deposited with the Waste Planning Authority. Any plant and pipework installed to the boundary of the site to enable the use of heat shall be installed in accordance with the agreed details.

Reason: To maximise the energy benefits of the development and in accordance Policies with DP/1 (Sustainable Development) and NE/2 (Renewable Energy) of the South Cambridgeshire Development Framework DPD”.

Carbon Assessment

The planning application was accompanied by a Carbon Assessment (Planning Appendix 1.6) that identifies the carbon benefit of processing waste in the proposed facility compared to disposal in landfill under a number of assumptions. UKWIN has provided a consultation response to you that raises a number of specific questions with regard to the assumptions applied and the conclusions drawn. Within your email of the 26th March 2018 you asked for our response to the concerns raised. Please find at **Appendix [B]** to this letter a full response to the comments made by UKWIN.

Statement of Community Involvement

The planning application was accompanied by a Statement of Community Involvement (SCI) dated December 2017 (Planning Document Part 5). The SCI summarises the steps that the applicant took to inform the local community about the proposals and the feedback obtained. Within your email of the 26th March 2018 you asked whether the SCI would be updated to reflect the public information sessions undertaken post submission of the planning application. Please find at **Appendix [C]** to this letter an update to the December 2017 SCI setting out an overview of ongoing and additional community engagement activity undertaken since submission of the planning application.

Landscape and Visual

On your behalf, The Landscape Partnership (TLP) was commissioned to review and provide comment on Chapter 5.0 (Landscape and Visual Impact Assessment - LVIA) of the Environmental Statement (ES) along with the LVIA Methodology (Appendix 5.1); Baseline Character Assessment (Appendix 5.2); Viewpoint Selection (Appendix 5.3); Effects on Landscape Character (Appendix 5.4); and Effects on Viewpoints (Appendix 5.5). In addition, both South Cambridgeshire District Council and East Cambridgeshire District Council have made comments within their representations to elements of the LVIA.

TLP has undertaken a comprehensive review of the methodology used in the LVIA and the assessments of effects, and broadly agree with the conclusions of the applicant in both regards. In terms of design evolution, TLP recognise that the applicant has

demonstrated a clear process for minimising the visual effects of the development and broadly speaking agree with the design approach and the mechanisms used. Your email of the 26th March 2018 asks for any response we may wish to provide on the points made, particularly in relation to colours and materials.

The design evolution is set out within the Design Evolution Document (Planning Document Part 2). The design choices have been influenced by a number of factors including topography, functionality, receptor type and location, existing buildings and structure, as well as the views of project stakeholders and members of the community. TLP has clearly recognised this process that has been followed and conclude that the fundamental elements of the design provide an appropriate solution for providing an energy from waste plant in this location.

Nevertheless, they consider that there are opportunities to explore additional design solutions, which are not fundamental aspects of the proposed development, and are in any case somewhat subjective judgements. Specifically, they have commented that the north-east elevation is primarily composed of one main built mass that uses the same material which could be improved by using an appropriate variety of material types and colours. In addition, TLP has identified that there is no additional landscape treatment proposed along the north-western boundary of the site resulting in a *“highly visible elevation to the adjoining areas of landscape and views”*. It is our view that the mitigation package as submitted sufficiently softens and reduces the impacts of the WWRF, however we recognise that the measures proposed by TLP could go to help further integrate the development and thereby reduce its overall impact. The applicant therefore provides the following suggested model condition(s) to be imposed on the grant of any planning permission.

SUGGESTED DRAFT MATERIALS SAMPLE AND LANDSCAPING CONDITIONS

No development hereby permitted (excluding Enabling Works) shall commence until details, colours and samples of the materials, to be used for the external walls, roof, doors, and windows of the buildings have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Waste Planning Authority.

No development hereby permitted (excluding Enabling Works) shall take place until full details of hard and soft landscaping works have been submitted to and approved in writing by the Waste Planning Authority. Such scheme shall include details of all hard-surfacing treatments and all means of enclosure. Soft landscaping shall include full details of the new planting, including the number, height, type, species and spacing. The approved scheme shall be implemented in full.

Reasons: In the interests of visual amenity and in accordance with Policy CS33 (Landscape) of the Cambridgeshire and Peterborough Core Strategy DPD and DP/2 (Design), DP/3 (Development Criteria) and NE/4 (Landscape) of the South Cambridgeshire DPD.”

Lighting Assessment

In your email of 26th March 2018, you have asked how we would like to respond to the comments made by East Cambridgeshire District Council in relation to light pollution. East Cambridgeshire District Council stated that any light pollution from the building will

need to be kept to an absolute minimum and only for health and safety reasons to ensure minimal impact on the surrounding dark skies. Section 4.2.54 – 4.2.63 of the ES describes the need for external lighting. It states that the need to ensure safe working and living conditions would be balanced against the requirement to reduce any unwanted visual prominence of the WWRF at night and to address any ecological constraints. The lighting design for the WWRF seeks to provide safe and well-lit external space and pedestrian walkways in accordance with a range of best practice set out within the ES.

In their representation to you, South Cambridgeshire District Council state that Chapter 5.0 (Landscape and Visual Impact) and Chapter 10.0 (Cultural Heritage) of the ES do not fully assess night-time lighting impact. The Lighting Assessment was undertaken by assessing an Outline Scheme of Lighting (OSL). It identifies a range of national and local guidance relevant to the assessment of night-time lighting impact. In absence of statutory guidance, the Institute of Lighting Professionals (ILP) (2011) Guidance Notes for the Reduction of Obtrusive Light (‘the ‘ILP Guidance Notes’) was considered the most appropriate criteria against which to assess the effects of artificial lighting on residential receptors, ecology and heritage assets. Based on the OSL, the assessment demonstrates that the development would be compliant with the criterion for assessment of impact against ecology, heritage assets and residential receptors, and would not be likely to give rise to significant environmental effects in terms of night-time lighting. We suggest that these criteria are reasonable and South Cambridgeshire District Council has not suggested that they disagree.

Given the fact that the Lighting Assessment demonstrates that it would not be likely to give rise to significant effects, we disagree that further assessment need be provided in either Chapter 5.0 or Chapter 10.0 of the ES.

Despite the above, the Lighting Assessment submitted as an appendix to the Planning Statement has now been provided as an appendix to the Environmental Statement Volume 5: Additional Environmental Information.

In order to address the comments raised by East Cambridgeshire District Council, the applicant would accept a condition on the grant of planning permission that provides reassurance that the implemented lighting scheme meets the level of protection afforded by that used as the Outline Scheme for assessment purposes. The applicant proposes the following suggested model condition:

SUGGESTED DRAFT LIGHTING CONDITION

“The proposed development shall be externally lit in accordance with the Outline Scheme of Lighting provided within Appendix 1.7 of the Planning Statement unless an alternative lighting scheme is submitted to and approved by the Waste Planning Authority prior to occupation of the WWRF. Any alternative lighting scheme should provide as a minimum the same degree of mitigation at that set out within the Outline Scheme of Lighting provided at Appendix 1.7.

Reason: To protect the amenity of local receptors and to minimise the impact of the development on identified heritage assets.”

Location of Waste

Your email of 26th March 2018 invites us to respond to the comments made by East Cambridgeshire District Council in relation to where the waste to the facility would come

from. Specifically, East Cambridgeshire District Council has asked if waste would be brought from out of the County, and the impact this would have on the wider highway network and road mileage costs. As a matter of principle, there is no Government Policy that requires an application to demonstrate a need for their development. The National Planning Policy for Waste specifically states that waste planning authorities should only expect applicants to demonstrate a quantitative or market need where proposals are not consistent with an up-to-date plan. If such a requirement is expected, this does not need to be met from within a County boundary, rather the Waste Management Plan for England identifies that the network of waste management installations must enable waste to be managed in one of the nearest appropriate installations (irrespective of administrative boundaries).

Chapter 4.0 of the Planning Statement sets out the need for the WWRF, and we do not propose to repeat that argument again here. To summarise, the plant would be located within the existing Waterbeach Waste Management Park (WWMP) which accepts waste from a variety of sources. Nevertheless, the vast majority of waste to the Park is derived from within Cambridgeshire and Peterborough either as Municipal Solid Waste (MSW) as part of an existing Local Authority Contract, or as Commercial and Industrial (C&I) Waste under third party contracts or open-gate delivery. The vast majority of the waste (circa 75%) that would be treated through the WWRF would be entering the site in any event as part of the on-going role of the WWMP, and would be processed through the energy from waste plant rather than being diverted to landfill. The remaining 66,000tpa (circa 25%) would comprise additional or 'top-up' waste.

The need assessment provided at Chapter 4.0 of the Planning Statement demonstrates that, based on 2016 data, over 216,000tpa of waste suitable for treatment within an energy from waste facility was deposited to landfill in Cambridgeshire and Peterborough generated from within Cambridgeshire and Peterborough. As in the case of the waste currently accessing the site, in the first instance, waste is sourced as locally as possible. This makes economic, social and environmental sense given that, following initial capital investment, the most significant cost and environmental emission contributor in running an energy from waste facility is the physical transport of waste to and from a site. The realities of securing a multi-million-pound investment such as that proposed, are that irrespective of the fact that there is more than sufficient residual waste sent to landfill from Cambridgeshire of a type which could be processed through an energy from waste facility, it would need to have the flexibility to accept waste from further afield. Flexibility is required to enable a facility to compete on an even keel with other facilities across the UK that are not constrained by catchment restrictions. Furthermore, the WWRF would need to be able to accept waste from the applicants existing facilities outside of any agreed local catchment area during periods of routine or emergency shut-down so that waste authorities and tax payers are not 'held to ransom' by other operators during such events.

The applicant recognises that part of the objective of the Cambridgeshire and Peterborough Core Strategy is to ensure that there is not an oversupply of waste facilities which could lead to excessive importation of waste, or that an overreliance is placed on one administrative area to manage the waste of others. Core Strategy Policy CS29 (Need) places an expectation on applicants to enter into restrictions on catchment area, tonnages and / or types of waste. It also recognises that permission may be granted involving importation of waste from outside the Plan area where this is demonstrated to maximise recycling and recovery of waste and be the most sustainable option (as in this case). In light of the above, the applicant would accept condition(s) on the grant of planning permission that provide(s) an appropriate and proportionate restriction on the catchment of waste to the facility. The applicant proposes the following model conditions.

SUGGESTED DRAFT WASTE SOURCE CONDITIONS

“Not less than 70% of the waste imported to the site shall originate from a catchment area which shall comprise of Cambridgeshire and Peterborough, their Adjoining Counties and Milton Keynes. Adjoining Counties are Hertfordshire, Suffolk, Essex, Norfolk, Luton, Bedford, Central Bedfordshire Northamptonshire, Rutland, Lincolnshire. For the purpose of clarity waste being processed through any waste transfer station within the defined catchment area shall be regarded as arising from within the catchment area.

Reason: To ensure the facility is managing a large percentage of local and regional waste arisings, in accordance with Policy CS29 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document, July 2011.

Priority shall be given at the Proposed Development to the processing of residual wastes suitable for thermal treatment arising from the existing Mechanical and Biological Treatment processes at Waterbeach Waste Management Park.

Reason: To enable the Waste Planning Authority to retain control over the future development of the site and allow the operator to move waste up the Waste Hierarchy in accordance with Policy CS29 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).

Air Quality and Human Health

Your email of the 26th March 2018 raises questions regarding air quality emissions, specifically the measures in place to monitor and protect local residents from PM2.5 emissions and details regarding the type of filters to be used. Separately you have asked how we would like to respond to the comments made by East Cambridgeshire District Council in relation to human health. You have also asked if the applicant is proposing to have an “auto-feed” type air quality monitoring system that links to the applicant’s website, similar to that used at the Great Blakenham facility by Suez, so that residents can see the results that are being measured by the stack?

Emissions and human health impacts were appropriately assessed within the Air Quality Assessment reported at Chapter 8.0 of the ES. It states that:

“8.7.1 The impact of the Proposed Development has been assessed as part of this EIA using industry standard approaches. The main air quality effect would be as a result of emissions from the stack of the Proposed Development. Detailed dispersion modelling of process emissions has been undertaken using a number of conservative assumptions.

8.7.2 In summary:

- The level of the effect of the process emissions at all human sensitive receptors was predicted to be negligible and not significant.*
- The level of the effect of the impact of process emissions at identified ecological sites was predicted to be negligible and not significant.*

8.7.3 In addition to the assessment against the AQALs, a Human Health Risk Assessment has been undertaken to determine the long-term impact of pollutants which can accumulate within the body. This has shown that the impact of emissions on human health would be negligible and not significant.

8.7.4 The Proposed Development also has the potential to cause impacts associated with the release of dust and odour. A qualitative analysis has been undertaken, which takes into account the control measure in place and the distance to the nearest receptors. This has concluded that the impact of the operation of the Proposed Development would not be significant.

8.7.5 An assessment of the cumulative effects of the Proposed Development has been undertaken. This has concluded that the impact of the operation of the Proposed Development in combination with the identified cumulative developments would not be significant.

8.7.6 In conclusion, the Proposed Development is not predicted to have a significant environmental effects in relation to air quality, odour and human health."

In addition to public information sessions undertaken by the applicant during March 2018, two documents were published aimed at answering questions raised on emissions and health. The first is a Process Emissions Overview Document provided at **Appendix [D]**. The second is an Air Quality and Emissions Q&A Document provided at **Appendix [E]**. The documents include specific discussion on particulate matter (including PM2.5), how they are monitored (continuously), how the bag filter technology works through absolute filtration and absorption, their efficiency, conservative estimates of their performance for the ES and have regard to wider research confirming their suitability as a proven technology. Both documents are available on the applicant's website.

At this point in time, the applicant is unable to confirm the bag filter manufacturers details, however the bag filter supplier would need to meet strict standards required by the Environment Agency to comply with the Industrial Emissions Directive.

East Cambridgeshire District Council has simply stated that the determining body will need to be certain that there will be no emissions that will be detrimentally harmful to human health. On this point we would refer you to the fact that the Environment Agency, Public Health England and South Cambridgeshire District Council as Local Environmental Health Department have all raised no objection to the application, subject to appropriate conditions. We can confirm that, once operational emissions monitoring information similar to that provided for the Great Blakenham facility in Suffolk, will be made available on the applicant's website. The applicant proposes to agree the final format for reporting, once the Continuous Emissions Monitoring System (CEMS) is procured. The Applicant therefore proposes the following condition.

SUGGESTED DRAFT EMISSIONS MONITORING PROTOCOL CONDITION

Service Commencement shall not begin until an emissions monitoring protocol for the Development has been submitted to, and approved in writing by the Waste Planning Authority. Unless otherwise agreed in writing with the Waste Planning Authority, the emissions monitoring protocol shall provide for the publication on the applicant's website of average daily emission levels of;

- *Oxides of nitrogen*
- *Sulphur dioxide*
- *Carbon monoxide*
- *Hydrogen chloride*
- *VOCs*
- *Particulate matter*

Reason: In the interests of residential amenity, in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Policy CS34.

Air Quality Consultants Ltd (AQC) were commissioned by Cambridgeshire County Council to carry out a review of Chapter 8.0 Air Quality of the ES. AQC identified a number of issues within their report. The vast majority were considered unlikely to affect the conclusions of the assessment. Three issues were identified that were considered may or may not affect the conclusions of the assessment. Clarification is provided on the issues raised within **Appendix [F]**. The clarifications provided demonstrate that the issues identified do not affect the conclusions of the Air Quality Assessment set out at Chapter 8.0.

Bottom Ash and APC Residues

You have asked for clarification as to how bottom ash and air pollution control residues would be loaded and transported off-site.

Air Pollution Control Residues (APCR) would be handled within a fully enclosed system. The residues would be stored in sealed silos adjacent to the WWRF building and discharged via sealed connections into fully contained disposal vehicles. These measures would avoid the release of dust from the handling and transfer of this material. All transfers would be controlled under the Environmental Permit, Duty of Care and the receiving facility Environmental Permit or other licensing requirements. A photograph of a typical APCR tanker is provided at **Figure [3]**.

Incinerator Bottom Ash (IBA) Incinerator Bottom Ash is discharged from the process into a bunker within in an enclosed area within the main WWRF building. The Bottom Ash bunker would have sufficient capacity to allow for periods of disruption to vehicle transportation. Bottom Ash would be loaded within the building from the bunker directly into bulk articulated trailers. The bulk trailers will then be covered before leaving the site. A photograph of a typical IBA tanker is provided at **Figure [3]**.

Shredder

Clarification has been sought as to the role and location of any shredder to be located within the energy from waste facility, and specifically whether this has been taken into

account as part of the Noise Impact Assessment prepared as part of the EIA. A shredder would be required to be located within the tipping hall section of the energy from waste facility to manage oversized waste such as mattresses which have not been subject to on-site mechanical or biological treatment. The shredder would be used on an “as required / contingency basis” rather than a continuous process requirement. The precise final location of the shredder would be determined during detailed design; however, two possible locations are illustrated at **Figure [4]**.

The Noise Impact Assessment prepared to accompany the application assumed a ‘typical’ internal noise level of 80dB within the tipping hall, albeit not specifically attributed to any one particular noise source. The shredder would be driven by electric motors and during daytime hours only. It would generate a reverberant sound level well within the noise limits for daytime operation and therefore would have no effect on predicted noise levels at receptors with the noise mitigation measures proposed having been implemented.

Waste Types

Finally, clarification is sought in respect of the waste types to the facility, and specifically reference to ‘C&D’ waste within mass balance information.

To clarify, the “C&D” area of the site is permitted to accept, for processing, treatment and transfer, mixed non-hazardous municipal, commercial and industrial wastes. Historically this part of the Waste Management Park was given the name of “C&D” (Construction & Demolition) and is still used to differentiate it from other areas at the Waste Management Park, therefore this naming approach may have unintentionally led to confusion.

The six most likely waste streams at the C&D area are identified in the planning application, specifically, Part 6 Transport Assessment, Appendix TA4 to 7 and includes (in no particular order);

- 1) “Trade (Small Vehicle)” – bulky/mixed non-hazardous commercial waste
- 2) “Trade (Artic)” – bulky/mixed non-hazardous municipal and commercial waste
- 3) “Alconbury WTS Bulky” – bulky/mixed municipal waste
- 4) “March WTS Bulky” – same as (3)
- 5) “Other Bulky” – same as (3)
- 6) “Inert RCV (Skips/Small Vehicles)” – inert municipal and commercial waste

Whilst these waste streams should be source separated in the first instance, experience tells the operator that (1) to (6) may contain waste electrical items and tyres, therefore the applicant has developed contingency arrangements at C&D to safely store such items, prior to their export offsite to a suitability licenced facility.

Noise

WSP were commissioned by Cambridgeshire County Council to carry out a review of Chapter 7.0 Noise of the ES. A number of points were raised by the review, specifically with respect to the use of assessment criteria applied and assumptions used. The points raised have been clarified within a Technical Note provided at **Appendix [G] TN1 Noise Clarifications**.

Separately, WSP questioned the representative background noise levels used within the noise assessment. It is the applicants view that the levels suggested by WSP are conservative, rather than representative, however the applicant has reviewed the

proposed design to identify additional mitigation measures that could be put in place to ensure that the rating noise level determined in accordance with BS4142 are equal or lower than the background levels proposed by WSP. This is considered within the Additional Environmental Information submitted to you separately.

I trust the above is self-explanatory, however please do not hesitate to contact me should you wish to discuss any points raised.

Yours sincerely



David Adams
Director

cc. Tim Marks, Planning Manager, Amey

- enc.
- Appendix A - Water Flow Diagram
 - Appendix B - Response to UKWIN comments dated February 2018
 - Appendix C - Update to Statement of Community Involvement
 - Appendix D - Process and Emissions Overview Document
 - Appendix E - Air Quality and Emissions Q&A Document
 - Appendix F - Air Quality Clarification
 - Appendix G - Noise Clarifications
-
- Figure 1 - Fire Service Access Routes (from A10 to WWRF)
 - Figure 2 - Fire Service Access Routes (around WWRF facility)
 - Figure 3 - Examples of APCR and IBA Tankers
 - Figure 4 - Contingency Shredder Location (tbc)

MAIN CASE

Reference No: 18/00326/RMA

Proposal: Reserved matters for low energy sustainable home, located within the northern boundary of N 9, High Street Witcham.

Site Address: 9 High Street Witcham Ely Cambridgeshire CB6 2LQ

Applicant: Mr & Mrs James and Helen Bateson

Case Officer: Oli Haydon Planning Officer

Parish: Witcham

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

Date Received: 14 March 2018 **Expiry Date:** 9th June 2018

[T17]

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/RMA/RMM
- 3 Sample materials
- 4 Boundary Treatments

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks reserved matters consent for the access, landscaping, layout, scale and appearance for a detached dwelling to the rear of 9 High Street, Witcham. The site was granted outline approval (with all matters reserved) at the Planning Committee meeting held on 4th October 2017.

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 was called-in to Planning Committee by Cllr Schumann as the Planning Committee members stated that they wished to assess the reserved matters following a Committee determination of the associated outline approval.

3.0 PLANNING HISTORY

3.1

17/01547/OUT	Outline planning low energy sustainable home, located within the northern boundary of N 9, High Street Witcham.	Approved	04.10.2017
16/01291/FUL	Two storey, low energy sustainable home	Refused	02.02.2017

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside the development envelope for Witcham, 120m from the properties fronting High Street. The site would be accessed off Back Lane, is a partially metalled narrow green drove that leads onto Martins Lane to the west.

4.2 The site and its surroundings are predominantly rural in terms of location with the wider field forming one of a group of small fields and paddocks that emanate from the northern boundary of the village up to Back Lane. The predominantly rural character is informed by the nearby working farmstead at Witcham House Farm and only one dwelling, Ivy House Farm, located close-by; however, several permissions have recently been granted in the vicinity, although they are yet to be constructed.

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.

Witcham Parish Council – Objects to the proposal on the following grounds:

- Previous concerns raised from outline application
- Access is over a drove and Public Right of Way
- Access unsuitable for private cars and construction traffic
- Close to Conservation Area
- Lead to harmful precedent
- Loss of privacy and overshadowing for neighbours and users of the right of way
- Barn is not in-keeping with other barns in village
- Misleading photographs
- Damage and removal of trees and shrubs
- Large overlooking windows
- Trees requires to screen property.

Ward Councillors – Cllr Schumann requested the application be assessed at Planning Committee.

Conservation Officer - No Comments Received

Local Highways Authority - No objections raised.

CCC Growth & Development - No Comments Received

Senior Trees Officer – No comments to make.

Environmental Health – No issues raised aside from recommending conditions relating to contamination.

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

5.2 **Neighbours** – Eight neighbouring properties were notified and a site notice was posted and the six responses received are summarised below. A full copy of the responses are available on the Council's website.

- Set a precedent for development of all paddocks and fields in Witcham
- Parish Council objected
- The house will be clearly visible from the upper floor of 17 High Street which currently looks out of fields and hedges
- Public Right of Way to the west will be overlooked.
- Out of character appearance
- Large number of overlooking windows
- Wrong position, should be relocated adjacent to the drove
- Too close to neighbouring paddock
- Property access is unadopted and in a poor state of repair and will not cope with heavy plant materials required for construction
- Does not have respectful appearance which enhances visual appearance of the site
- No other house looks like a barn conversion
- Unwelcome intrusion into the countryside
- Outside the development envelope
- Plot of land has been used for animal grazing
- Impact on biodiversity of area
- Height will stand out in area
- Large windows are eyesore
- Should be screened with planting
- Increase in road traffic from additional dwelling
- Impact on utilities and services in village
- Dark and foreboding structure
- Surface water and drainage

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

- ENV 1 Landscape and settlement character
- ENV 2 Design
- ENV 7 Biodiversity and geology
- ENV 8 Flood risk
- ENV 9 Pollution
- ENV11 Conservation Areas
- ENV12 Listed Buildings
- 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
- GROWTH 5 Presumption in favour of sustainable development
- HOU 2 Housing density

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 8 Promoting healthy communities
- 11 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2017

- LP1A 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
- LP31 Development in the Countryside
- LP27 Conserving and Enhancing Heritage Assets

7.0 PLANNING COMMENTS

- 7.1 The application seeks reserved matters consent for the appearance, access, layout, landscaping and scale of a detached dwelling located on a 0.1ha plot of land off Back Lane in Wicken, to the rear of the dwellings along High Street. The proposal has outline planning consent, with the principle of the development therefore being considered acceptable.
- 7.2 Regarding the principle of development, an important material consideration, in this case, is the recent planning history. There is presently an extant outline planning permission for residential development on the site. This was approved at Planning Committee in October 2017 under application reference 17/01547/OUT. The issues that are of concern to the current application were also relevant to the previous one. That application was approved on the basis that the LPA was unable to demonstrate a five-year housing land supply and the location of the site on the edge of the settlement was considered sustainable. It is well connected to the village and its limited range of services by a public footpath and road. It was determined that the benefits of the development were not demonstrably and significantly outweighed by any adverse impacts. Even though the Council is now able to demonstrate a five-year housing land supply, the extant planning permission has established the principle of new dwellings on this plot. In the interests of consistency, the principle of this level of development on this site remains acceptable

7.3 Residential Amenity

- 7.3.1 The development site is isolated from surrounding residential development, albeit positioned in the long back garden of 9 High Street, 120m from the existing dwelling at 9 High Street. The nearest dwelling is Ivy House Farm, 67m to the northwest and separated from the site by a thick tree belt.
- 7.3.2 The house will be orientated in such a way that the two gable ends face east and west, with the wide rear elevation facing onto the dwellings on High Street. The elevation facing south onto the High Street will contain three first floor windows, two small bedroom skylights and one full length skylight serving the main bedroom. This angled full-length skylight will be at least 100m from the rear elevation of the nearest property on High Street and any overlooking impact or perceived impingement of privacy will be negligible. The side-facing first-floor windows are also sufficiently distanced from any neighbouring plots to avoid overlooking.
- 7.3.3 The proposed height of the dwelling, around 7m combined with the separation distances from neighbouring properties is sufficient to avoid any harmful overbearing on these neighbours.
- 7.3.4 It is considered that the proposal avoids any harmful impact on residential amenity and is compliant with the requirements of the SPD Design Guide with regards to plot size and private amenity space.

7.4 Visual Amenity

- 7.4.1 As part of the previous outline approval it was concluded that the proposal “is sensitive to the defining characteristics of the area with the plot deemed sufficient

for a modest, yet sensitively designed dwelling”. Furthermore, a 2016 refusal on the site for a dwelling was considered to appear out of character with the rural landscape and harm views from the nearby footpaths. The applicants were advised to reconsider their scheme and propose a sympathetically designed proposal, akin to a more rural structure.

- 7.4.2 The proposed dwelling has the aesthetic of a converted barn, with a curved roof and traditional full-length openings. The barn would be timber-clad with brown tiling (although material samples will be secured by condition). The dwelling would be 7m in height, 8m in width and 11.8m in length with the scale and proportions similar to that of an agricultural structure. The thick existing screening from Back Lane will be retained and any new boundary treatments will be secured by condition. The dwelling will sit comfortably within its 1,000sqm plot, avoiding the appearance of overdevelopment or an unnecessarily large curtilage.
- 7.4.3 The structures along Back Lane are mainly unused, low-quality and derelict agricultural buildings with no prevalent pattern of built form or design. It is considered that the dwelling would enhance its immediate setting and provide a high-quality dwelling that remains sensitive to the area. The proposal would retain the screening to soften the overall visual impact and when viewed from the dwellings on High Street, approximately 100m to the south, the building should appear as a converted agricultural building as opposed to a newly built dwelling.
- 7.4.4 The dwelling would be 25m from the public footpath to the west and it is considered that due to the proposed design and scale of the scheme along with these separation distances, the views from the footpath will not be irrevocably harmed.
- 7.4.5 The applicant has provided mock-up photographs showing the dwelling’s position on the site, which have been subject to an element of challenge from nearby residents and the parish council. These photographs are purely indicative and they add minimal weight to the consideration of this proposal.
- 7.4.6 Concerns have also been raised that the construction of the dwelling would impinge on the countryside views of the dwellings along High Street. Whilst protection of residential views is not a material planning consideration, it’s considered that the dwelling has been designed to appear as a structure that has historically existed and been subsequently converted.
- 7.4.7 It is considered that the comments made as part of the previous outline (and 2016 refusal) have been addressed and the proposed dwelling would not appear harmfully out of character with the rural landscape. The proposal is therefore considered to meet the requirements of Policies ENV1 and ENV2 of the Local Plan 2015 and LP22 and LP28 of the 2017 Submitted Local Plan.

7.5 Historic Environment

- 7.5.1 The outline approval on the site concluded that as the northern boundary of Witcham Conservation Area is located some 60m to the south of the application site, across a field, that this was sufficient distance to avoid any material impact upon its character and setting. Similarly, the closest listed buildings such as St

Martins Church and the adjacent The Hall are positioned and screened by the fabric of the village in excess of some 100m distant.

- 7.5.2 As such, the proposal is considered not to have any discernible adverse impact upon the heritage assets of the village in compliance with the requirements of Policies ENV11 and ENV12 of the East Cambridgeshire District Plan 2015 and LP22 and LP27 of the 2017 Submitted Local Plan.

7.6 Highways

- 7.6.1 The access for the scheme would be via an existing gated access point off Back Lane with the Local Highways Authority raising no objection to the proposal. The proposal is therefore considered to comply with 2015 Local Plan Policy COM7 and 2017 Local Plan Policy LP17 in relation to highway safety.
- 7.6.2 The proposal itself would not impact on any local walking routes and whilst there will be an increase in traffic; it is considered that this will be minimal and can be accommodated within the wider transport network.
- 7.6.3 Concerns have been raised regarding the quality of the lane and the impact of construction traffic. It is considered that construction disturbances are not a material planning consideration and as Back Lane is a track serving several agricultural units, that intensive large vehicle use is likely year-round regardless.
- 7.6.4 Sufficient parking and turning has been provided within the site in line with 2015 Local Plan Policy COM8 and 2017 Submitted Local Plan Policy LP22.

7.7 Other Material Matters

- 7.7.1 Surface and foul water drainage schemes have been secured by condition as part of the outline along with a contamination assessment of the site.
- 7.7.2 The site comprises maintained grassland/paddock and it is unlikely that the dwelling would have a significant impact on any biodiversity. Biodiversity enhancement measures have been secured by condition as part of the outline approval.
- 7.7.3 The Trees Officer has raised no concerns with the proposal, having approved the previously submitted tree protection plan. The landscaping for the development comprises retained planting and minimal tree removal. Boundary treatments will be secured by condition to ensure the proposal is well assimilated into its surroundings whilst protecting the open character of the site.

7.8 Planning Balance

- 7.8.1 It is considered that the previous full refusal on the site was on grounds of visual impact on the countryside setting as a result of an incongruous and out-of-keeping design; following an assessment of the design in its locality, the proposal is considered to be design-led in its aim to create a historic agricultural aesthetic on the site and it is not considered to represent an out-of-keeping form of development, overcoming the previous reasons for refusal.

- 7.8.2 The proposed development site, by virtue of its established pedestrian connections with the services and facilities of Witcham, is deemed to be in a sustainable location, from a National Planning Policy perspective. The proposal will result in an additional dwelling to add to the Council's housing stock and there are associated economic benefits from the construction process and continuing contribution to the local economy by future occupiers. All of the above add limited weight in favour of the proposal.
- 7.8.3 The proposed dwelling is not considered to cause significant and demonstrable harm to its edge-of-countryside setting such that it would outweigh the benefits of the proposal. The scheme is sufficiently well-distanced from neighbouring properties and its impact on the nearby public footpath is limited. No objections have been raised from the Local Highways Authority or the Trees Officer and subject to conditions the proposal is recommended for approval.

8.0 APPENDICES

8.1 18/00326/RMA Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00326/RMA	Oli Haydon Room No. 011	Oli Haydon Planning Officer
17/01547/OUT	The Grange Ely	01353 665555 oli.haydon@eastca
16/01291/FUL		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 -

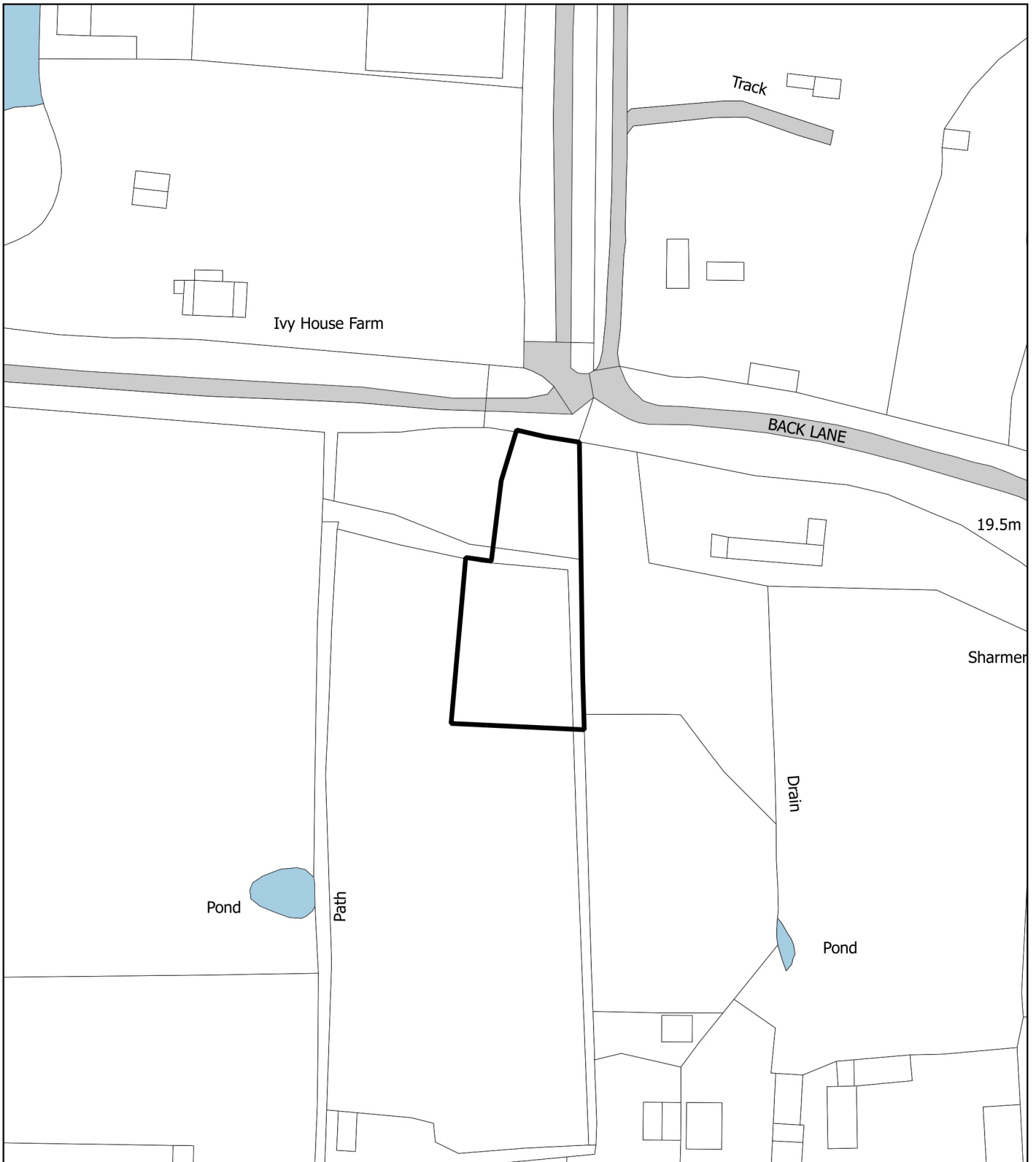
<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 18/00326/RMA Conditions

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

Plan Reference	Version No	Date Received
01		12th March 2018
02		12th March 2018
03		12th March 2018
04		12th March 2018
05		12th March 2018
06		12th March 2018
07		12th March 2018
08		12th March 2018
09		12th March 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 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 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.
- 4 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.



18/00328/RMA

9 High Street
Witcham



East Cambridgeshire
District Council

Date: 22/05/2018
Scale: 1:1,000



© Crown copyright.
All rights reserved 100023279 (2017)

MAIN CASE

Reference No: 18/00349/FUL

Proposal: Proposed residential annex for family members

Site Address: Elm Lea 22 Station Road Kennett Newmarket Suffolk CB8 7QD

Applicant: Mr Robin Swanson

Case Officer: Oli Haydon Planning Officer

Parish: Kennett

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

Date Received: 14 March 2018 **Expiry Date:** 7th June 2017

[T18]

1.0 RECOMMENDATION

- 1.1 Members are requested to REFUSE planning permission for the following reason:
1. Policy ENV2 of The East Cambridgeshire Local Plan 2015 and LP22 of the 2017 Submitted Local Plan requires development proposals to ensure that their location, layout, scale, form and massing relate sympathetically to the surrounding area. The proposal is for a self-contained annexe the siting of which means that the proposal would be physically separated from the main dwelling with all the characteristics of an independent dwelling, contrary to Policy LP33 of the Submitted Local Plan 2017.

Additionally, the scale and height is considered characteristic of a new dwelling and not that of an annexe which should have a visually subordinate relationship to the associated dwelling. The proposal also lacks a functional relationship with the main dwelling and could be occupied entirely independently from the main dwelling, leading to a harmful impact on the residents of both units. Accordingly, the proposal is considered to result in a separate planning unit outside the defined development envelope which would be tantamount to the creation of a new dwelling in the countryside, contrary to East Cambridgeshire Local Plan (2015) Policies GROWTH2, ENV1, ENV2 and HOU2, Policies LP3, LP22, LP28, LP31 and LP33 of the Submitted Local Plan (2017) and Central Government advice contained in the National Planning Policy Framework.

2. Visually, the provision of a new residential structure on this site would result in a harmful urbanising incursion into an open settlement-edge setting, significantly and unacceptably diminishing the site's current contribution to the surrounding open rural and agricultural landscape, and at odds with the predominantly linear character of built form along Station Road. The proposal would be considered as unacceptable backland development and would result in an undesirable hardening of the edge between the built-up extent of the village and the rural area beyond, irrevocably harming the existing transition between the edge of the village and the countryside beyond. The proposal would cause significant and demonstrable harm to the character and appearance of the area. The proposal would be contrary to the SPD Design Guide 2012, Policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the erection of a one-and-a-half-storey, two bedroom annexe to the rear of the property at 22 Station Road. The annexe would serve as additional accommodation for the applicant's son and wider family when visiting the area.
- 2.2 The annexe would be located outside Kennett's defined development envelope and incorporate an office to facilitate home-working for a member of the family. The annexe would be 6.6m in height, 15.3m in width and 9.5m in depth. The annexe would be located in the informal garden of 22 Station Road, beyond the paved area and more formal lawn, a total of 21.5m from the main dwelling.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.4 The application was called-in to Planning Committee by Cllr Joshua Schumann as 'some of the issues surrounding this application are delicately balanced and due to the applicant being the Chairman of the Parish Council'.

3.0 PLANNING HISTORY

- 3.1 No relevant planning history.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 22 Station Road is a large two-and-a-half storey dwelling located on the southern side of the settlement of Kennett, within the development envelope. The position of the residential element of the annexe is outside the development envelope in the informal rear garden of 22 Station Road. Between the proposed annexe and the dwelling there is a paved area and formal garden, along with an outbuilding.

4.2 This area of Station Road is characterised by a linear form of residential development along the eastern edge of the road with a row of thick vegetation demarcating the western side of the road.

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.

Kennett Parish Council – No concerns raised.

Ward Councillors – Cllr Schumann requested the application be called-in to Planning Committee due to the issues raised and the position of the applicant on the Parish Council.

5.2 **Neighbours** – Four neighbouring properties were notified and a site notice was posted and the four responses received are summarised below. A full copy of the responses are available on the Council's website.

- Backland development
- Set a precedent for further development to the rear of other gardens
- Outside the development envelope
- Barn shown on plans is not used for habitable accommodation but storage
- Impact on light to neighbours
- Loss of neighbouring views and impact of position of annexe
- Proposal is effectively a standalone house not an annexe
- No reason why the office isn't kept in the main house
- 22 Station Road is a considerably sized house which can accommodate family and guests comfortably
- Lack of pre-consultation
- Cumulative impact of future parking requirements from annexe and business uses
- Should join up with the property and not be detached
- 500 dwellings in Kennett proposed would provide accommodation for the applicant's family.
- The Parish Council has not objected despite their objections to the backland development, outside the development envelope application 17/02031/FUM.

6.0 **The Planning Policy Context**

6.1 **East Cambridgeshire Local Plan 2015**

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 9	Pollution

HOU 2 Housing density

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Flood and Water

6.3 National Planning Policy Framework 2012

11 Conserving and enhancing the natural environment
7 Requiring good design
6 Delivering a wide choice of high quality homes

6.4 Submitted Local Plan 2017

LP1A 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
LP33 Residential Annexes

7.0 PLANNING COMMENTS

The applicant seeks planning consent for the erection of a detached annex to the side of the property. The key issues relating to the assessment of annexes are –

- The principle of the development
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring residents
- Impact on parking and highway safety

7.1 Principle of Development

7.1.1 The proposed annex would be separated from the main dwelling by approximately 21.5 metres. The dwelling's formal garden and paved area will divide the two buildings, with the existing 2.4m high rear garden wall marking the main elevation of the annex.

7.1.2 It is accepted that where a genuine annex is required it is preferable for it to be created through an extension to the existing dwelling so that it can be incorporated into the main accommodation should it be no longer required. This was raised

during pre-application discussions with the applicant and their architect but is evident that this route was not taken. In terms of need, the applicant has stated that the annex would be used by their son to enable them to remain the village. It would also provide additional accommodation for the applicant's extended family during their visits from abroad. Despite this, it remains that any anticipated need for additional accommodation could be incorporated into an extension to 22 Station Road or the conversion of existing outbuildings.

- 7.1.3 With regards to the size and internal layout of the building, the proposed annex is considered to be overly large. The annexe would be 6.6m in height, 15.3m in width and 9.5m in depth. It would contain a large living and dining area, two double bedrooms, a kitchen, study, hallway, three bathrooms, cloakroom and an office.
- 7.1.4 The Council has concerns that the one-and-a-half storey annex is overly large and is not subservient or incidental to the host dwelling. The proposed annex has all the facilities required to function as an independent unit of accommodation and its size in comparison to the host dwelling is not commensurate with accommodation that is ancillary to the main dwelling. The proposal is considered to represent a separate single dwellinghouse that is self-contained with all the necessary day to day living facilities and would result in the creation of a separate planning unit. Both the provision of facilities within the annexe (kitchen, bedrooms, bathrooms, living room) and the siting and physical relationship 21.5m from the parent dwelling results in an unacceptable level of independence and a lack of functional relationship with the main dwelling.
- 7.1.5 The Submitted Local Plan 2017 Policy LP33 relates to residential annexes within defined development envelopes. Although this policy garners limited weight, the criteria listed are relevant to all annexe applications prior to the publication of this policy. As the proposed annexe appears tantamount to the creation of a new dwelling (or separate planning unit), is not ancillary or subordinate in size, is clearly capable of subdivision from the main dwelling and lacks a clear functional relationship with the occupant of the annexe and the original dwelling, the application for the proposed annexe should not be granted. If there is a clear need for a home-office and additional bedrooms for visitors, these could be facilitated through a small rear extension to Number 22.
- 7.1.6 On balance, the fact that the annexe and 22 Station Road share a vehicular access does not justify the contravention of the other elements of LP33 and the SPD Design Guide.
- 7.1.7 As the proposed annexe is considered to represent a standalone dwelling in the countryside, an assessment of the proposal against adopted policy GROWTH 2 and emerging policies LP1 and LP3, which seek to manage new development so that it takes place in sustainable locations, must be made. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development outside these settlements will not be

permitted except where it complies with a limited range of specified categories detailed in that policy; none of which pertain to the current proposal.

- 7.1.8 The emerging policy LP3 lists Kennett as a “medium village” that has a reasonable range of services and which is defined by a development envelope. This sets the limit of the physical framework of the built-up area of the settlement and its primary purpose, and the policies which apply within and outside them, is to prevent the spread of development into the countryside, to maintain the essential character of the settlement and control the growth within and outside it in accordance with the settlement hierarchy in policy LP3. Policy LP31 relates to new development in the countryside and it sets out the type of development that might be appropriate, including new residential development. These policies reflect the Government’s guidance on rural development contained in the Framework and they establish a range of development types that require a countryside location as an exception to the strategy of focussing most new development within sustainable settlements. The proposed development does not fulfil any of the listed exceptions in either policy.
- 7.1.9 The majority of the proposal is located outside of the development envelope with only the office element of the structure located within the development envelope. Policies GROWTH2 and LP3 very clearly seek control new residential development in the areas outside of the defined settlements. Policy LP30 of the Submitted Local Plan adds an additional layer of control over development in the countryside. It lists a series of exceptions to the normal approach of restricting open market residential development in the countryside; none of which apply in the current case. The proposed development does not comply with either the adopted or emerging Local Plan policies relating to new residential development in the open countryside and the proposal is not acceptable in principle.
- 7.1.10 In light of this, as the proposal seeks to create a standalone dwelling outside the development envelope for Kennett, the proposal is also considered contrary to adopted East Cambridgeshire Local Plan (2015) Policies GROWTH2, ENV1, ENV2 and HOU2, Policies LP3, LP22, LP28 and LP31 of the Submitted Local Plan (2017) and Central Government advice contained in the National Planning Policy Framework.
- 7.1.11 The policy also relates to the impact on the amenity of the occupiers of the annexe, the parent dwelling and neighbours and also the character and appearance of the area, which will now be assessed.

7.2 Residential Amenity

- 7.2.1 The building would be located approximately 23m from the rear elevation of the neighbouring property at 24 Station Road. Whilst there would be an impact on the residents of this neighbouring property, as the siting of the annexe is beyond the south-eastern corner of the garden and occupies a small section of the neighbouring boundary, this impact is considered acceptable. The main eastern outlook of Number 24 remains unobstructed and the impact on sunlight provision for the private garden is unlikely to be substantial.

Further weight is added in support of the scheme considering the Permitted Development rights for the construction of outbuildings within residential gardens up to a height of 4m.

- 7.2.2 The annexe has been designed in such a way to avoid any overlooking on the neighbouring properties and gardens. The first floor accommodation will be served by dormer windows facing the informal garden and there will be no side or front facing windows at first floor level. It is considered that the impact on neighbouring privacy arising from the scheme is acceptable.
- 7.2.3 The neighbouring dwelling to the southwest, 20 Station Road, would be located at least 30m from the proposed structure and the impact on these residents is considered acceptable.
- 7.2.4 The residential amenity impact arising from an increase in vehicular movements to and from 22 Station Road is not likely to represent significant and demonstrable harm. The impact on neighbouring residents is considered to broadly comply with the relevant parts of 2015 Local Plan Policy ENV2, 2017 Submitted Local Plan Policy LP22 and the SPD Design Guide.
- 7.2.5 Despite this, the impact on the residents of 22 Station Road (the applicants), although there is deemed to be a family tie between the annexe and the dwelling at present, there can be no assurance that such a tie will remain in the future. If these units were to be marketed as separate planning units, there would be a significantly harmful impact on the residential amenity of both occupiers; contrary to 2015 Local Plan Policy ENV2, 2017 Submitted Local Plan Policy LP22 and the SPD Design Guide

7.3 Visual Amenity

- 7.3.1 2015 Local Plan Policy ENV2, 2017 Submitted Local Plan Policy LP22 and the SPD Design Guide seek to ensure that any development would not have an adverse impact on the visual amenity of the surrounding area.
- 7.3.2 The proposed development would be finished in a mix of timber cladding, flint and brickwork and would have a maximum height of 6.6m. The development would be located to the rear of the dwelling and be obscured from view from Station Road. Whilst the rear garden of the site is relatively open, there are some viewpoints to the east which would be impacted upon by the presence of the building.
- 7.3.3 A short distance north of the position of the annexe is a large two-storey barn and beyond the site to the east there is sparse light industrial development. It is considered that these structures provide a limited visual context for the proposed structure.
- 7.3.4 It is important to consider that the proposal is not considered to represent a structure subordinate and subservient with the dwelling at 22 Station Road and instead is tantamount to the creation of a new dwelling. Furthermore, the 'annexe' would not have the aesthetic of a modest outbuilding but instead represent a 6.6m high, timber-clad, one-and-a-half storey dwelling.

- 7.3.5 This part of Station Road is defined by a linear pattern of residential development with sporadic punctuations into the open countryside in the form of light industrial development. The proposal, which would extend the built form of Station Road by approximately 20m, constitutes a form of backland development that is out of character with the established form of development in the vicinity of the site. The character of the site and the area around it forms a transition between the built up area of Kennett and the rural open countryside beyond and the generally undeveloped nature of adjoining rear gardens contributes to a feathering of the edge of the settlement where it adjoins the countryside. The proposed siting of this residential unit would not have any particular visual or physical affinity with the existing pattern of development.
- 7.3.6 The proposal would be contrary to the SPD Design Guide, Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Proposed Submission Local Plan 2017 which seeks to protect landscape and settlement character and create positive and complementary relationships with existing development. These objectives accord with relevant provisions of the NPPF paragraphs 14, 17 and 56-68.

7.4 Other Material Matters

- 7.4.1 2015 Local Policies COM7 and COM8 and 2017 Submitted Local Plan Policies LP22 and LP17 combined seek to ensure that the proposed development would not have an adverse impact on the highway safety and ensure that the development would not lead to an increase in on street car parking. The proposed annex would be located to the rear of the dwelling and would utilise the existing large parking area belonging to 22 Station Road. It is considered that the proposed development would not have an adverse impact on highway safety or the parking provision of the dwelling.
- 7.4.2 Whilst it is recognised that the provision of the office within the annexe implies the operation of a business on the site, no change of use application has been received and it is therefore considered that the business use is ancillary to the main residential use of 22 Station Road and that the wider highways impact of this is unlikely to be significant.
- 7.4.3 The scheme would have a negligible impact on nearby trees or biodiversity, although biodiversity enhancements and landscaping conditions could be applied to any decision. In a similar fashion, surface and foul water drainage from the site can be dealt with by condition.

7.5 Planning Balance

- 7.5.1 On balance, it is considered that the proposed development would not be ancillary and incidental to the host dwelling. Due to its size and proposed internal layout which would provide rooms and facilities far above what would normally be expected in ancillary accommodation, it is considered that the proposed development could ultimately lead to a new separate unit of accommodation within the countryside, outside the defined development envelope for Kennett. Whilst the desire for additional accommodation for visiting family is appreciated, the provision of such ancillary accommodation should be explored through an extension to the

dwelling or smaller ancillary building which would rely much more on the facilities of the host dwelling.

- 7.5.2 The scheme would extend permanent built form into the countryside in this sensitive location in a manner that is considered harmful to local landscape character and visual amenity. The provision of the dwelling on this site would result in a harmful urbanising incursion into an open countryside setting, significantly and unacceptably diminishing the sites current contribution to the surrounding open rural and agricultural landscape.
- 7.5.3 On balance therefore the harm outlined above significantly outweighs the overall benefits of the scheme and the application is thus recommended for refusal.

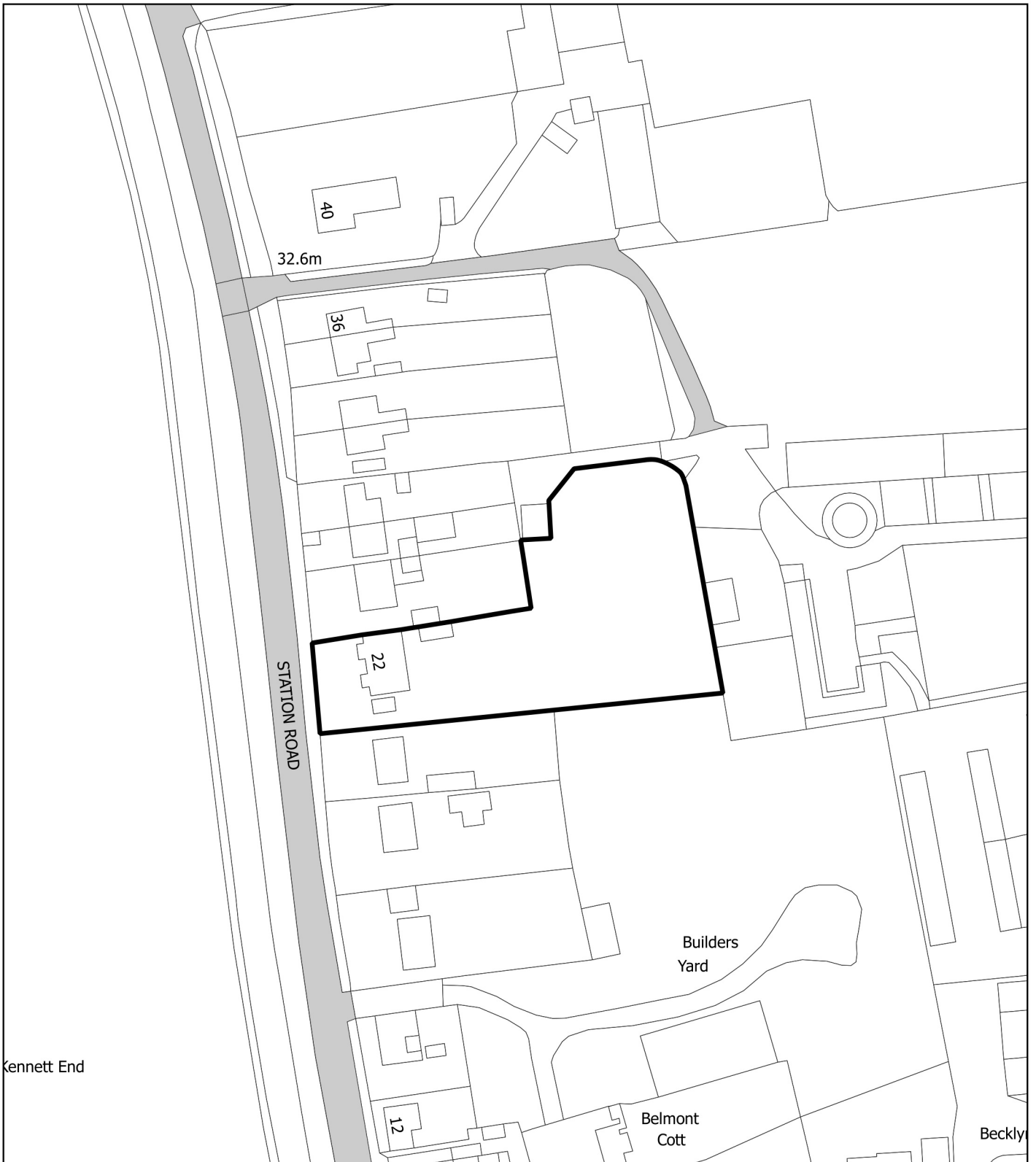
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00349/FUL	Oli Haydon Room No. 011 The Grange Ely	Oli Haydon Planning Officer 01353 665555 oli.haydon@eastca mbs.gov.uk

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>



18/00349/FUL

Elm Lea
22 Station Road
Kennett



East Cambridgeshire
District Council

Date: 22/05/2018
Scale: 1:1,100



© Crown copyright.
All rights reserved 100023279 (2017)

MAIN CASE

Reference No: 18/00379/VARM

Proposal: Variation of condition 13 (External Lights) of previously approved 16/01364/F3M for The construction of 13 dwellings consisting 8 affordable dwellings, including associated external works and parking.

Site Address: Covell Corner The Shade Soham Cambridgeshire

Applicant: E.N. Sutter & Sons Ltd

Case Officer: Andrew Phillips Senior Planning Officer

Parish: Soham

Ward: Soham North
Ward Councillor/s: Councillor Hamish Ross
Councillor Ian Bovingdon
Councillor Dan Schumann

Date Received: 29 March 2018 **Expiry Date:** 28 June 2018

[T19]

1.0 **RECOMMENDATION**

1.1 Members are recommended to approve the application subject to the recommended conditions below (see Appendix 1 for full wording of conditions):

- 1 Approved Plans
- 2 Materials
- 3 Biodiversity Improvements
- 4 Sustainability (Energy)
- 5 Surface Water Drainage
- 6 Unexpected Contamination
- 7 Construction Environmental Management Plan
- 8 Soft landscaping scheme
- 9 Hard Landscaping Scheme
- 10 Entering/Leaving in a Forward Gear
- 11 Cycle Storage
- 12 No External Lights

2.0 SUMMARY OF APPLICATION

- 2.1 Planning application 16/01364/F3M was granted delegated approval subject to recommended conditions and completion of a S106 Agreement by Members at the 1 February 2017 Planning Committee. The application was granted approval on the 28 April 2017 following completion of the S106 Agreement. The development has been substantially built at the time of the Case Officers visit on the 1 May 2018.
- 2.2 The proposal seeks to vary condition 13 of the original permission to erect two 76 watt street lights mounted at 5m above ground level in the proposed car park as the condition restricted additional lighting.
- 2.3 The application was amended as the agent had not notified the relevant landowner prior to submission of the application.
- 2.4 This application has been called into committee by the Chair in order for it to be discussed in a public forum.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

16/01364/F3M	The construction of 13 dwellings consisting 8 affordable dwellings, including associated external works and parking.	Approved	28.04.2017
16/01364/DISA	To discharge conditions 3 (External Materials), 5 (Sustainability), 6 (Surface Water Scheme), 8 (Construction Environmental Management Plan), 10 (Hard Landscaping) and 12 (Cycle Storage) on Decision Notice dated 28.4.17 for the construction of 13 dwellings consisting 8 affordable dwellings, including associated external works and parking.	Approved	11.10.2017
16/01364/NMAA	Non-material amendment request for:	Agreed	29.08.2017

1. Doors to juliette balconies amended to windows, external glass balustrades omitted.
2. Triangular windows to second floor flats amended to corner panels of Rockpanel
3. Bin store wall construction amended and minor dimensional change.
4. French doors to replace single doors on rear elevations of plots 10,11,12 and 13.
5. Side light on ground floor of plots 10 & 13 increased in width.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is currently a construction site at the time of the Case Officers site visit, with a substantial amount of the external walls/roof etc appearing to have been completed. Scaffolding was still up and landscape works were still needing to be carried out.

4.2 A Primary School is located to the north. Public Highways defined the eastern and southern boundary with a public footpath defining the western boundary.

5.0 RESPONSES FROM CONSULTEES

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

Soham Town Council – (3 May 2018) It has no concerns over proposal.

Design Out Crime Officers (Police) – (10 April 2018) Considered the details to be acceptable.

Local Highways Authority – (19 April 2018) Proposal not expected to affect the highway therefore no comment.

Environmental Health – (23 April 2018) Details are acceptable.

Trees Officer – (10 May 2018) No objection to proposal, but it is disappointing to sacrifice soft landscaping for lighting.

Cllr Josh Schunmann – As Planning Chair has asked for this application to be determined in a public forum.

Ward Councillors - No Comments Received

Asset Information Definitive Map Team - No Comments Received

Housing Section - No Comments Received

Waste Strategy (ECDC) - No Comments Received

Cambridge Ramblers Association - No Comments Received

Parks and Open Space - No Comments Received

5.2 Neighbours – 6 neighbouring properties were notified and the responses received are summarised below. The latest site notice was put up on the 25 April 2018 and the latest press notice was put in the newspaper on the 26 April 2018. A full copy of the responses are available on the Council's website.

2 The Shade – (16 April 2018) The occupant is objecting to the proposal as they cannot see where the lights are being proposed. The proposal currently completely overlooks their property and is concerned that additional lights will affect sleep.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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

6.2 Supplementary Planning Documents
Design Guide
Contamination
Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2012

- 10 Meeting the challenge of climate change, flooding and coastal change
- 4 Promoting sustainable transport
- 6 Delivering a wide choice of high quality homes

- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2017

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP5 Community-led development
- LP6 Meeting Local Housing Needs
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP18 Improving Cycle Provision
- LP19 Maintaining and Improving Community Facilities
- LP20 Delivering Green Infrastructure, Trees and Woodland
- LP21 Open Space, Sport and Recreational Facilities
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- Soham 3 Allocation Sites

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 This application seeks to vary condition 13 of the original permission which required the developer to seek agreement of any additional lights prior to above ground works commencing.

7.3 The principle of development was defined under planning application 16/01364/F3M, which granted planning approval for the 13 dwellings which have now been commenced on site. The principle of this development has been further established by the site allocation under the Submitted Local Plan 2017 (Soham3) and forms part of the Council's continuous 5 year land supply of new dwellings.

7.4 The principle of development is, therefore, considered to be acceptable.

7.5 Residential Amenity

7.6 The proposal is for two street lamps approximately 5m high in the previously approved communal car park to serve the 13 dwellings.

7.7 The submitted details show that the majority of light pollution will be over the car park, though might have a minor impact upon the flats in particular as these are not protected by any boundary fences. However, whilst weighing slightly against the application, this is not considered sufficient reason to refuse this proposal.

- 7.8 The existing residents to the east and south of the site will be protected by the development itself so should not suffer from any impact to their residential amenity.
- 7.9 The Environmental Health Officer backs up this view by not raising any objection to the proposal.
- 7.10 The proposal is considered to be in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and LP22 and LP26 of the Submitted Local Plan 2017.
- 7.11 Visual Amenity
- 7.12 The proposal will have a very minor impact upon the appearance of the development. However, a suitable landscaping scheme will still need to be agreed in order to both enhance the development and encourage biodiversity that should also help to assimilate the lighting.
- 7.13 The proposal is considered to be in accordance with policies ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7.14 Highways
- 7.15 The view of the Local Highways Authority is noted and agreed with by the Case Officer. The proposal will not have any detrimental impact upon the users of the public highway.
- 7.16 The proposal is considered to be in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017
- 7.17 Ecology
- 7.18 The limited amount of external lighting that is stated as causing 0% sky glow is considered to be acceptable in regards to potential impact to nocturnal species. The proposal is considered to be 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.
- 7.19 Other Material Matters
- 7.20 The previous conditions, as discharged where applicable, should be added to any new consent to ensure full compliance by the developer as a variation of condition decision is in essence a new permission.
- 7.21 The developer has confirmed they are willing to comply with the requirements of the S106 detailed within the original application (16/01364/F3M) as defined by paragraph 13.1.
- 7.22 Planning Balance

7.23 The principle of the proposal is considered to be acceptable as it has already been approved and implemented. The proposed two external lights that are sought as part of this application are not considered to cause any detrimental harm to residential amenity or biodiversity. On this basis the application is recommended for approval, subject to the recommended conditions.

8.0 COSTS

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

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

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

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

- The majority of the overall application has already been approved and commenced, this application is only seeking a variation of condition 13 to allow for the proposed external lighting.

9.0 APPENDICES

9.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00379/VARM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
16/01364/F3M 16/01364/DISA 16/01364/NMAA	Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

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

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 - 18/00379/VARM Conditions

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

Plan Reference	Version No	Date Received
D30157/PY/B		22nd March 2018
TGA-03	T2	10th August 2017
TGA-02	T2	10th August 2017
TGA-01	T1	10th August 2017

- 1 Reason: To define the scope and extent of this permission.
- 2 The External Materials shall comply with the following -
Main Brick to external walls - Clumber Red Mixture by Forterra
Feature Brick to external walls, used on plinth, and high level feature band Rufford Brown by Traditional Brick and Stone
Main cladding board to front elevations - Rockpanel colour RAL 7037 (grey)
Feature cladding board to gables - Rockpanel colour RAL 0504040 (brown-red)
Fascias and soffits - Rockpanel colour RAL 7037 (grey)
Windows & doors - UPVC grey 7015
Roof tile - Wienerberger Concrete Shire Pantile - Colour Rustic Smooth faced
Rainwater goods - Brett Martin 115mm Deepstyle uPVC Cast Iron style gutters and downpipes in black
Development shall be carried out in accordance with the approved details, as detailed under drawings TGA-02 Revision T2 and TGA-03 Revision T2, and as confirmed within discharge of condition 16/01364/DISA.
- 2 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.
- 3 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.
- 3 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.
- 4 The development shall comply with Sustainability - An Energy Statement was received by ECDC on 28 July 2017.

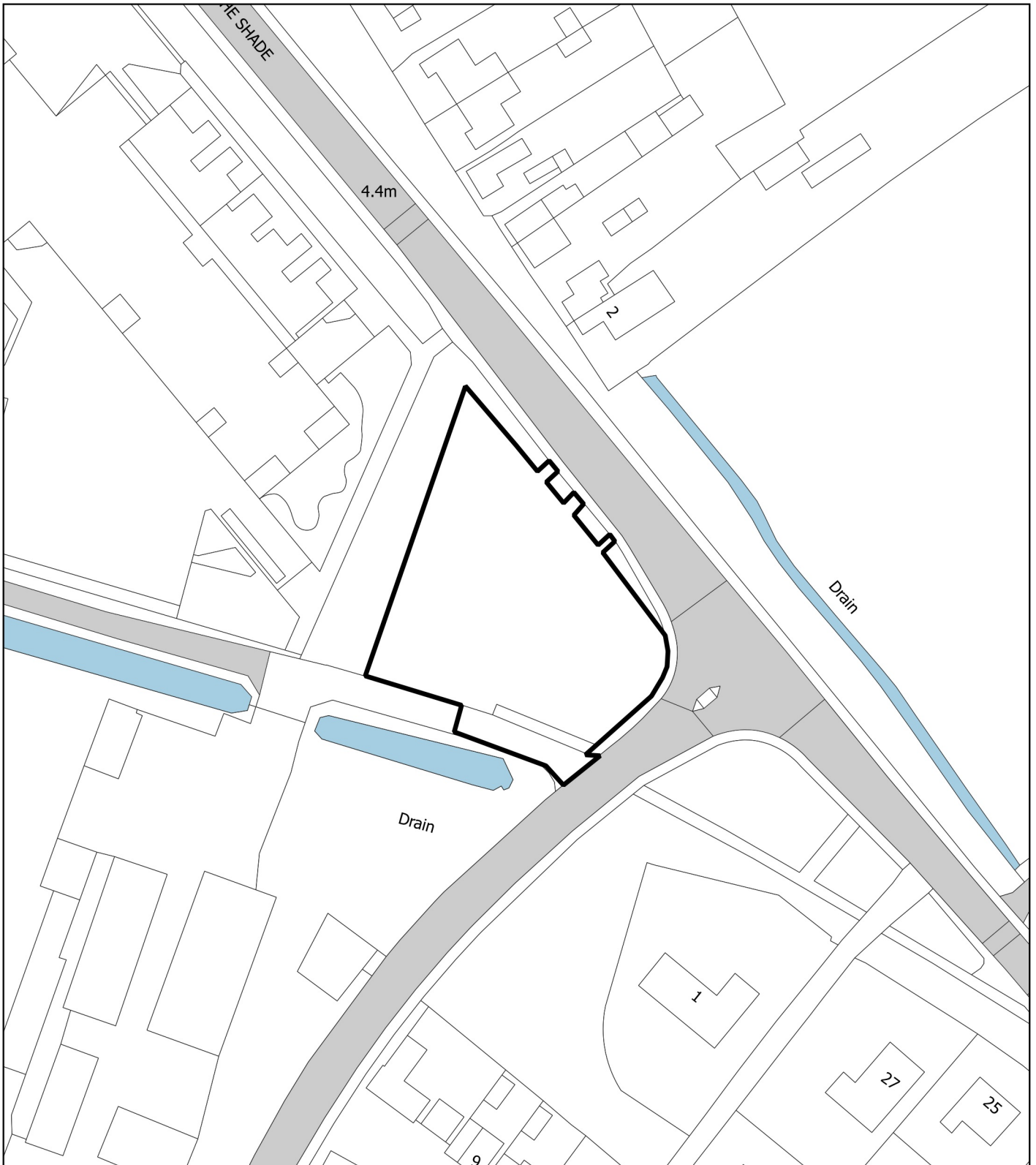
The sustainability/energy efficiency improvements shall be installed prior to occupation of the hereby approved development and thereafter maintained in perpetuity as confirmed within discharge of condition 16/01364/DISA.
- 4 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017.

- 5 The details of this condition were agreed in planning reference 16/01364/DISA. Development shall comply with Surface Water - A drainage strategy (1787 rev A) and The Shade Soham Service Report (1787) dated October 2016 as confirmed by discharge of condition 16/01364/DISA.

The schemes shall be implemented prior to first occupation.

- 5 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.
- 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 The development shall comply with the Construction Management Plan (2nd October 2017) submitted on the 2 October 2017 at all times as confirmed by discharge of condition 16/01364/DISA.
- 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 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.

- 8 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.
- 9 Hard Landscaping shall be completed prior to first occupation and comply with the following: -
- Paving slabs throughout - Bradstone Paek Riven, colour Buff 450x450
 Permeable block paving to pedestrian footpath areas - Marshalls Drivesett Tegula Priora, colour Harvest
 Contrasting permeable block paving to all vehicular areas - Marshalls Drivesett Tegula Priora, colour Traditional as confirmed by discharge of condition 16/01364/DISA.
- 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 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.
- 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 Cycle Storage shall be comply and be completed prior to first occupation in accordance with: -
 New Sheffield cycle shelter BXMW/SEF in black as located on drawing number TGA-01 Revision T1 as confirmed by discharge of condition 16/01364/DISA.
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 12 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 12 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.



18/00379/VARM

Covell Corner
The Shade
Soham



East Cambridgeshire
District Council

Date: 22/05/2018
Scale: 1:1,000



© Crown copyright.
All rights reserved 100023279 (2017)

MAIN CASE

Reference No: 18/00397/FUL

Proposal: Conversion of bungalow into two separate dwellings - Plot No.1 open market & Plot No.2 agricultural occupancy.

Site Address: Orwell Pit Farm Bungalow Downham Road Ely
Cambridgeshire CB6 2SJ

Applicant: W R Jackson & Son

Case Officer: Oli Haydon Planning Officer

Parish: Ely

Ward: Ely North
Ward Councillor/s: Councillor Mike Rouse
Councillor Elaine Griffin-Singh
Councillor Andy Pearson

Date Received: 28 March 2018 **Expiry Date:** 8th June 2018

[T20]

1.0 RECOMMENDATION

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

1. A need for a permanent dwelling for a rural worker has not been adequately justified in line with the requirements of Policy HOU5 of the East Cambridgeshire Local Plan 2015 and LP31 of the Submitted Local Plan 2017. The proposal does not meet the functional test in demonstrating an essential need and is therefore contrary to policy HOU5 of the East Cambridgeshire Local Plan 2015, LP31 of the Submitted Local Plan 2017 and paragraph 55 of the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks consent for the subdivision of an existing bungalow at Orwell Pit Farm, Downham Road, Ely to provide mixed tenure accommodation. One half of the bungalow would be retained as open market housing and the other half will be used to provide a dwelling for a farm worker.

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 a resubmission of a previous Committee refusal (17/01348/FUL). The proposal was refused on the grounds of failing to adequately justify the need for a permanent dwelling for a rural worker. In addition to this, the previously submitted agricultural justification considered that agricultural occupancy condition “would inhibit the flexible use of the housing stock at the farm” and therefore did not wish to have such a restriction on the property. This resubmission has accepted that an occupational condition will be attached to any approval.
- 2.4 The application was called-in to Planning Committee by Cllr Rouse as there are ‘issues that are broader than the strict interpretation of planning rules’.

3.0 **PLANNING HISTORY**

3.1

17/01348/FUL	Conversion of bungalow into two separate dwellings for agricultural purposes	Refused	07.12.2017
--------------	--	---------	------------

4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The site comprises a single-storey dwelling located at the entrance to Orwell Pit Farm. The dwelling is located approximately 280m down the access track off Downham Road, between Ely and Little Downham. The site is located outside the development envelope for Ely.
- 4.2 The site contains three other residential properties in the form of a semi-detached pair within the farm yard and a detached two-storey cottage located adjacent to the application site.

5.0 **RESPONSES FROM CONSULTEES**

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

City of Ely Council – No concerns raised.

Ward Councillors – Cllr's Rouse and Schumann wished for the application to be determined at Planning Committee due to the issues raised and the previous determination of the application at Committee.

Local Highways Authority – The highways authority have no objection in principle. The development is accessed off a private road which is an existing access with the highway.

CCC Growth & Development - No Comments Received

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

Consultee For Other Wards In Parish - No Comments Received

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

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 7	Biodiversity and geology
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
HOU 5	Dwellings for rural workers

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2012

- 3 Supporting a prosperous rural economy
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2017

LP31	Development in the Countryside
LP3	The Settlement Hierarchy and the Countryside
LP16	Infrastructure to Support Growth
LP1A	presumption in Favour of Sustainable Development
LP22	Achieving Design Excellence
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP26	Pollution and Land Contamination
LP17	Creating a Sustainable, Efficient and Resilient Transport Network

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.1.1 The National Planning Policy Framework promotes sustainable development and states at Paragraph 49 that new housing applications should be considered in the

context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

- 7.1.2 The adopted Local Plan aspires to deliver managed and sustainable growth over the plan period to 2031. 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. The Local Plan seeks to prevent new development taking place outside the defined settlements unless certain specific exemptions are met.
- 7.1.3 The Council is currently preparing a replacement Local Plan covering the period from 2016 to 2036. At a meeting of Full Council held on 5th October 2017, Members considered an updated report on the latest draft of the emerging replacement Local Plan (the 'Submitted Local Plan') accompanied by a Five Year Housing Land Supply Report. This report was agreed by Council, which has established that East Cambridgeshire District now has a five year housing land supply; currently calculated to be 6.94 years. Consequently, Paragraphs 14 and 49 of the Framework are not engaged and the housing supply policies contained in the Local Plan are no longer considered to be out of date. Paragraph 11 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. This states that "proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise". The Framework is one such material consideration and should be taken into account.
- 7.1.4 Adopted policy GROWTH 2 and emerging policies LP1 and LP3 all seek to manage new development so that it takes place in sustainable locations. In respect of open market housing, these are considered to be within defined settlements where there is ready access to shops, services and facilities that meet the day to day needs of those communities. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development outside these settlements will not be permitted except where it complies with a limited range of specified categories detailed in that policy.
- 7.1.5 Proposals for agricultural workers dwellings are catered for within Policy HOU 5 of the Local Plan 2015 and LP31 of the Submitted Local Plan 2017. This allows for permanent dwellings in the countryside for full time workers as an exception to the

normal policies of control providing certain criteria are met. Critically, it must be demonstrated that the dwelling is essential to the needs of the business (i.e. there is a need for one or more workers to be readily available at most times). There must also be no other accommodation within the site/holding or nearby which is currently suitable and available, or could be made available. If these tests can be met then it must then be demonstrated that the enterprise has been established for at least three years and is, and should remain financially viable and that the size of dwelling proposed is of a size no larger than that required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income that the enterprise can sustain.

7.2 Essential Need

- 7.2.1 To meet this test the applicant must be able to demonstrate that it is essential for the proper functioning of the business for one or more workers, to actually live on the site most of the time. This normally equates to the need for a full time worker. Such a requirement might arise, for example, if workers are needed to be on hand day and night;
- in case animals or agricultural processes require essential care at short notice;
 - to deal quickly with emergencies that could otherwise cause serious loss of crops, for example, by frost damage or the failure of automatic systems.
- 7.2.2 The applicant has provided supporting documentation in the form of an agricultural appraisal prepared by Peter Chillingworth, a Rural Planning Consultant.
- 7.2.3 The agricultural justification provided is the same as the previous application (17/01348/FUL) albeit with a willingness to have an agricultural occupancy condition applied to the newly created residential unit in one half of the existing bungalow.
- 7.2.4 The agricultural justification behind the subdivision is outlined as follows:
- W R Jackson & Son operate 506ha (manage a further 1012ha) of mainly arable crops based principally on potatoes and sugar beet.
 - The business also runs a beef suckler herd of cattle, with 110 cows. The cows calve within the yard at Orwell Pit Farm during the winter months and early spring.
 - The business employs 7 full-time workers; Christopher and Teresa Jackson live 0.5 miles from the site at a dwelling at Downham Road Farm, where the farm office is located. Thomas Jackson, who runs the arable side of the enterprise, lives at Orwell Pit.
 - The farm foreman and a tractor driver lives in a pair of semi-detached cottages on the farm.
 - The bungalow on site is occupied by a veterinary surgeon and its subdivision will allow the vet to continue living in the dwelling with the newly created dwelling being occupied by a farm worker assisting with the cattle enterprise.
 - Calving often occurs during the night and out of normal working hours and an additional worker is needed on site to assist with the out-of-hours duties, sharing them with Christopher when he is away or indisposed.

- The occupiers of the cottages and Thomas Jackson also deal with functional duties associated with the farm along with security matters and out-of-hours deliveries.
- The application is to provide a further dwelling for an essential worker while continuing to provide rented accommodation for the vet, without the need to build a new dwelling or the complication of having a dwelling with an occupancy condition added to their housing stock at Orwell Pit Farm.

7.2.5 Following a comprehensive review of the evidence provided, it is considered that the existing “housing stock” at Orwell Pit Farm is sufficient for the provision of accommodation for an agricultural worker. No evidence has been provided to link the veterinary surgeon with the farm enterprise or to show why the tractor driver and foreman have an essential need to live on the site. In other words, there is sufficient provision of accommodation on the site to house a worker if there is an essential need.

7.2.6 Additionally, it’s considered there is no essential need for an additional accommodation unit on the site to serve the needs of the farm enterprise. The calving operations can be suitably supervised by Thomas Jackson, with an assistant living in nearby Ely or Little Downham on-hand if the need arises at any time. All aforementioned duties can adequately be fulfilled by employees living off site and nonetheless there are already three different members of staff living on the site, with the existing bungalow providing an additional potential unit (if there is considered to be a further *essential* need) if the vet’s tenancy was to cease.

7.2.7 In conclusion there is not sufficient justification for an additional residential unit on this site to serve the needs of the business. The creation of a new unit on this site would unnecessarily and unjustifiably add to the existing stock of four potential separate units of accommodation to cater for an essential worker.

7.2.8 It is acknowledged that the *draft revised National Planning Policy Framework* (currently in consultation phase) states that development of isolated homes in the countryside should be avoided unless certain circumstances apply. Whilst one of these ‘circumstances’ involves the subdivision of an existing residential property, limited weight can be applied to the provisions of this draft framework. It is considered that the current adopted development plan holds more weight in this balance and the conclusions previously raised continue to apply.

7.3 Visual Amenity

7.3.1 The proposal would seek to subdivide the existing bungalow and include a new small porch element to the front elevation. The bungalow would not have a materially different appearance and the visual impact of the subdivision is likely to be minimal.

7.4 Highways

7.4.1 The bungalow is served by the existing farm track off Downham Road and the Local Highways Authority have raised no concerns with the proposed subdivision.

7.4.2 The two units would utilise a tandem parking arrangement and include sufficient off-street parking to avoid obstructing the farm access track. As the farm track is a private access, there are minimal safety concerns with regards to turning and manoeuvring on this track in order to exit onto Downham Road in a forward-facing gear.

7.5 **Other Material Matters**

7.5.1 There is unlikely to be residential amenity concerns arising from the subdivision; sufficient amenity space has been provided for both dwellings.

7.5.2 If members are minded to approve the application, to ensure that residential amenity of future occupiers isn't impacted upon by the adjacent farm activities, an agricultural occupancy condition should be applied to the decision.

7.6 **Planning Balance**

7.6.1 The proposed additional residential unit to serve this agricultural enterprise is not justified, as it is not essential to meet the needs of the business, to have another full time worker living on the site, to be on hand day and night to deal quickly with emergencies. There are several residential units on the site that could house an essential worker if such a need was identified by the enterprise and the creation of an additional unit is deemed unnecessary and unjustified. The proposal is therefore contrary to Policy HOU5 of the 2015 Local Plan and LP31 of the Submitted Local Plan 2017.

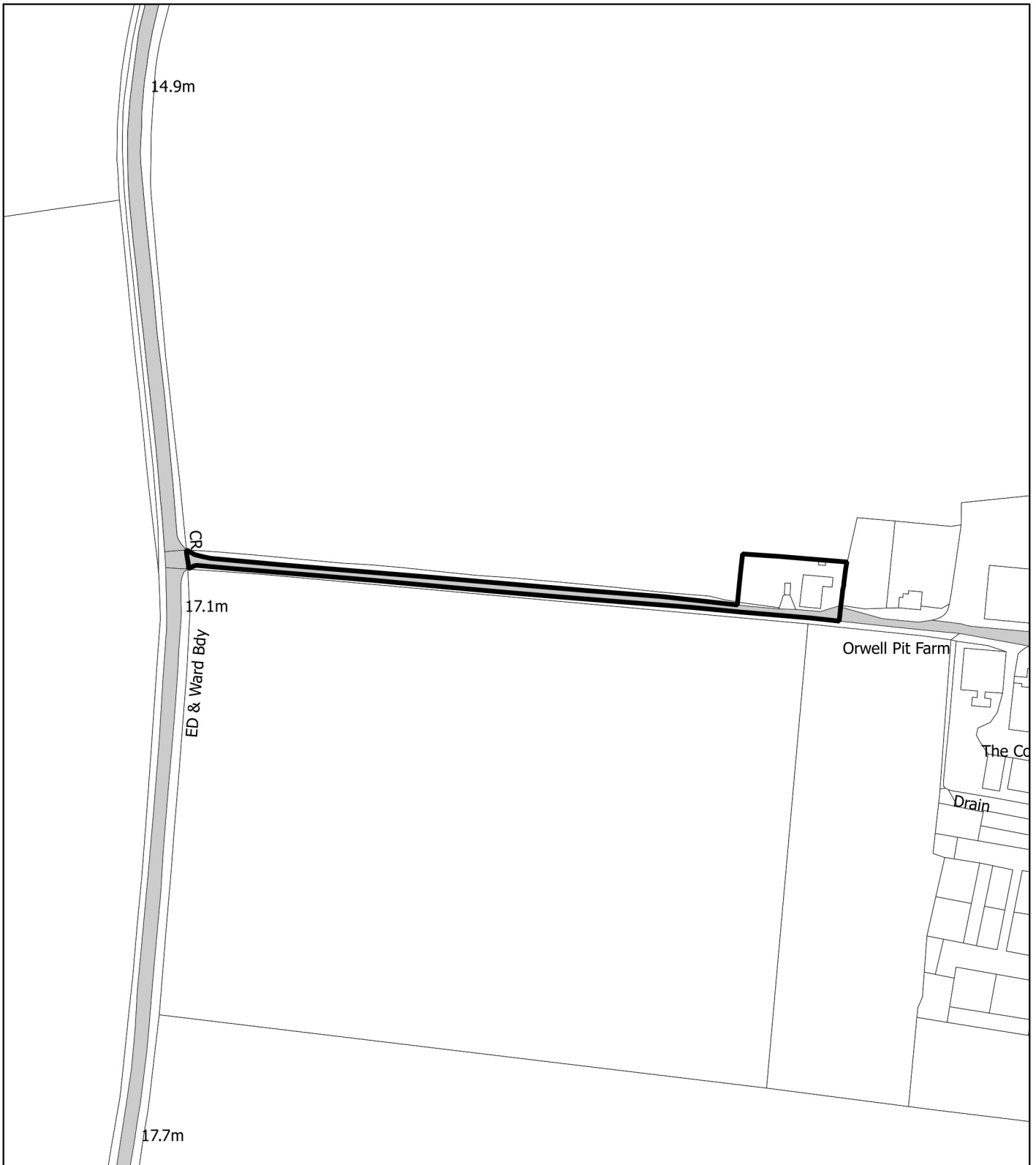
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00397/FUL	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555
17/01348/FUL	Ely	oli.haydon@eastca mbs.gov.uk

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>



18/00397/FUL

Orwell Pit Farm Bungalow
Downham Road
Ely



East Cambridgeshire
District Council

Date: 22/05/2018
Scale: 1:2,500



© Crown copyright.
All rights reserved 100023279 (2017)

MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/02/18
Location: Land beside 133 High Street, Bottisham, Cambs.
Applicant: N/A
Agent: N/A
Reference No: TPO/E/02/18
Case Officer: Cathy White, Senior Trees Officer
Parish: Bottisham

Ward: Bottisham
Ward Councillors: Councillor Chaplin
Councillor Sharp

[T21]

1.0 THE ISSUE

1.1 To confirm a Tree Preservation Order (TPO) for one Cypress tree on the roadside green beside 133 High Street, Bottisham. This matter is being referred to Committee as there is a requirement to confirm the TPO within six months to ensure the trees are protected for public amenity.

2.0 RECOMMENDATIONS

2.1 The Cypress tree stands in a prominent location at the junction of Beechwood Avenue and High Street, and together with several other trees on the roadside green forms a visually significant tree within the group, that contributes to the amenity of the local landscape in Bottisham village. It is recommended that this TPO be confirmed, without modifications, for the following reasons:

- a) Following the consultation on the recent Conservation Area tree work application 18/00108/TRE, several local residents objected to the removal of the Cypress tree because of the significant impact on the local landscape in this prominent location in the village. However they

expressed support for the continued management of the Cypress tree by pruning.

- b) The Cypress tree is clearly visible to the public when viewed from the High Street and the area of Beechwood Avenue at the junction with High Street, Bottisham.

3.0 **COSTS**

If a TPO is made and confirmed, then subsequent applications made for tree works would carry with them an opportunity to claim compensation if, as a result of the Council's decision, the applicant suffers any loss or damage within 12 months of that decision being made.

4.0 **BACKGROUND**

- 4.1 The Order was made because the Council received a tree work application notice of intent to remove the Cypress tree, in the Bottisham Conservation Area. The Council cannot refuse and cannot condition or enforce replacement planting when considering applications giving notice of tree work in Conservation Areas.

- 4.2 The reasons given in the tree work application to fell the Cypress tree were:

- The need for regular repeat pruning of the tree, to reduce encroachment and sightline obstruction at the junction for traffic leaving Beechwood Avenue.
- The tree is too large for the location and set in close proximity to the adjacent property.
- The tree will not tolerate heavy pruning.
- Replacing the tree with a more suitable species would improve this space.
- The tree work application was supported by Bottisham Parish Council.

- 4.3 A public consultation on the tree work application proposal to fell the Cypress tree was carried out. The results were two responses objecting to the loss of the Cypress tree and two responses in support of the removal of the Cypress tree.

- 4.4 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 6th April 2018:

- To give time for public consultation on the tree work application proposal to fell the Cypress tree.
- To prevent the Cypress tree from being removed (before a public consultation of nearby residents could be carried out), creating a significant loss of tree cover and a negative impact on the visual landscape in this prominent location in Bottisham village.
- To consider the alternative option for the management of the Cypress tree, by overall crown reduction and pruning to a reasonable shape, to

improve the sightlines for traffic exiting Beechwood Avenue onto the High Street.

- 4.5 Following the statutory consultation period of 28 days, confirmation of the TPO is required within six months after the date the TPO was served. The Cypress tree is visible to the public from the High Street and Beechwood Avenue, Bottisham, and the Cypress tree contributes to the tree cover in this location.
- 4.6 No objections to the serving of the TPO on the Cypress tree were received in writing during the statutory consultation period, including none from the original tree work applicants, Park Estate Resident Society Ltd. However, given the outcome of the public consultation on the tree work application proposal to fell the Cypress tree, it was considered appropriate for the Planning Committee Members to consider the comments from local residents in support of the tree's removal and those objecting to the loss of the tree, and reach a democratic decision on the fate of the tree.

5.0 **CONCLUSIONS**

- 5.1 Whilst the determining if the Cypress tree is of sufficient amenity value or not is to some extent subjective, the Senior Trees Officer remains of the opinion that this tree makes a significant visual contribution to the local street scene and character of the area. The tree is situated close to the junction of Beechwood Avenue and High Street, and will require routine pruning to ensure drivers' sightlines are not obscured when leaving Beechwood Avenue.
- 5.2 It was appropriate to serve the TPO to allow time for the consideration of the differing views expressed by several of the local residents, and for a democratic decision to be made on the fate of the tree.
- 5.3 If the decision by Planning Committee is to confirm the TPO, this will not prevent the owners managing the Cypress tree in the future, by appropriate tree surgery specifications.
- 5.4 If the decision by Planning Committee is not to confirm the TPO, the TPO will lapse and the owners can then fell the Cypress tree.

Background Documents

TPO E/02/18
Town & Country Planning Act 1990
Town & Country Planning (Tree
Preservation)(England) Regulations
2012
National Planning Policy Guidance from
6th March 2014

<http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/>

East Cambridgeshire District Proposed
Submission Local Plan
Tree Work Application 18/00108/TRE

Location(s)

Cathy White, Senior
Trees Officer
Room No. 012
The Grange
Ely

Contact Officer(s)

Cathy White
Senior Trees Officer
01353 665555
cathy.white@eastcambs.gov.uk



East Cambridgeshire District Council

Tree Preservation Order
E/02/18

Land at Side of 133 high Street, Bottisham, Cambridgeshire

T1 Cypress

1:886



Planning Performance – March 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
Validation	148	5	37	49	57
Determinations	140	5	35	36	64
Determined on time (%)		100% (target 70% within 13 weeks)	100% (75% within 8 week target)	100% (90% within 8 weeks)	83% (target 90% within 8 weeks)
Approved	128	5	29	34	60
Refused	12	0	6	2	4
Open Cases by Team					
Team 1 (3.5 FTE)	168	10	47	30	81
Team 2 (3 FTE)	122	9	19	52	42
Team 3 (2 FTE)	86	6	32	3	45
No Team (4 FTE)	42	8	4	0	30

No Team includes – Planning Manager, Trees Officers (x2) and Agency Worker

The Planning department received a total of 170 applications during March which is a 23% decrease on March 2017 (221) and 17.2% increase from February 2018 (145).

Valid Appeals received – 3

Land Northeast of 37 and 38 High Street Chippenham – Committee Decision
Tanners 18 Newmarket Road Cheveley Newmarket – Delegated Decision
Barns at Oak Tree Farm Oak Lane Littleport – Delegated Decision

Appeals decided – 1

Site rear of 65 High Street Swaffham Prior Cambridge – Dismissed – 27/03/2018 - Delegated

Enforcement

New Complaints registered – 44 (19 Proactive)
Cases closed – 20 (5 Proactive)
Open cases/officer (2FTE) – 199 /2 = 99.5 per FTE (64 Proactive)

Notices served – 0

Planning Performance – April 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
Validation	167	2	40	50	75
Determinations	149	7	42	36	64
Determined on time (%)		86% (target 70% within 13 weeks)	98% (75% within 8 week target)	100% (90% within 8 weeks)	84% (target 90% within 8 weeks)
Approved	136	6	35	34	61
Refused	13	1	7	2	3
Open Cases by Team					
Team 1 (3.5 FTE)	172	12	40	32	88
Team 2 (3 FTE)	118	9	17	52	40
Team 3 (2 FTE)	87	4	34	4	45
No Team (4 FTE)	35	7	4	0	24

No Team includes – Planning Manager, Trees Officers (x2) and Agency Worker

The Planning department received a total of 201 applications during April which is a 5% decrease on April 2017 (211) and 18.2% increase from March 2018 (170).

Valid Appeals received – 4

Land Rear Of Charing Cross Woodditton Road Kirtling Suffolk – Committee Decision
 Site Southwest Of 48A Great Lane Reach – Delegated Decision
 32 Main Street Littleport Ely – Committee Decision
 Site Rear Of 38 High Street Chippenham – Committee Decision

Appeals decided – 4

Parcel South West Of 6 Third Drove Little Downham – Dismissed – 13/02/2018 - Delegated
 Site Adjacent To 148 Carter Street Fordham – Dismissed – 10/04/2018 – Enforcement
 Rear Of 1 Longmeadow Lode – Dismissed – 18/04/2018 -Delegated
 Former Haulage Yard Newmarket Road Stretham – Allowed – 18/04/2018 - Delegated

Enforcement

New Complaints registered – 32 (22 Proactive)
 Cases closed – 6 (3 Proactive)
 Open cases/officer (2FTE) – 198 /2 = 99 per FTE (62 Proactive)

Notices served – 2

Land Adjacent To 2B Moor Road Fordham – Enforcement Notice – 23/04/2018
 St Johns Manor 1 St Johns Road Ely – High Hedge Remedial Notice – 16/04/2018