



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 6th November 2019

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

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

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

Membership:

Conservative Members

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

Liberal Democrat Members

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

Substitutes:

Cllr David Ambrose Smith
Cllr Lis Every
Cllr Julia Huffer

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Lead Officer:

Rebecca Saunt, Planning Manager

Quorum: 5 Members

PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 9:00am
(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 2nd October 2019

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

5. **TPO E/08/19**
Confirmation of Tree Preservation Order E/08/19.
Land off Hod Hall Lane, east of Metcalfe Way, Haddenham
Applicant: N/A
Site Visit: 10.00am

6. **18/01435/OUM**
Proposal for up to 41 new homes to include 12 new affordable dwellings, 250sqm commercial units (Class B1a office, Class D1 community uses), accessible bungalows, over 55's bungalows and public open spaces with public footpaths/cycle ways.
Site East of Clare House Stables, Stetchworth Road, Dullingham
Applicant: White Crown Stables Limited
Site Visit: No site visit, as already visited the site in August 2019

7. **18/01777/OUT**
Proposed residential development 1no. dwelling, access and associated site works.
Site West of Mulberry House, Barcham Road, Soham

Applicant: Mr & Mrs Tyler

Site Visit: 12:20pm

8. **19/00214/OUM**

Residential development for up to 110 dwellings.

Land South of 18 Wilburton Road, Haddenham

Applicant: Land Allocation Limited

Site Visit: 10:15am

9. **19/00447/RMM**

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

Land Accessed between 2 and 4 Fordham Road, Isleham

Applicant: Bloor Homes Eastern

Site Visit: 11:40am

10. **19/00754/OUM**

Outline planning application with all matters reserved (except for access) for up to 44 residential dwellings, new internal access road and footpaths, open space, sustainable urban drainage system and associated landscaping, infrastructure and earthworks.

Site North of 196 – 204 Main Street, Witchford

Applicant: Catesby Strategic Land Ltd

Site Visit: 9:35am

11. **19/00966/OUM**

Construction of up to 70 dwellings, together with associated public open space, landscaping, highways and drainage infrastructure works.

Land Between 27 and 39 Sutton Road, Witchford

Applicant: Manor Oak Homes Ltd and Mr & Mrs Eade

Site Visit: 9:10am

12. **19/01030/FUL**

Construction of 4 bedroom detached dwelling with new vehicular access and associated works.

Land Adjacent to 58 West Street, Isleham

Applicant: Mr D Clarke

Site Visit: 11.25am

13. **Planning Performance Report – September 2019**

14. **EXCLUSION OF THE PRESS & PUBLIC:**

“That the press and public be excluded during the consideration of the remaining item no. 15 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Categories 2 & 6 of Part I Schedule 12A to the Local Government Act 1972 (as amended).”

15. **Exempt Minutes**

To receive and confirm as a correct record the Exempt Minutes of the Planning Committee meeting held on 2nd October 2019

NOTES:

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

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

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

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

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

2. Fire instructions for meetings:
 - If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.
 - The fire assembly point is in the front staff car park by the exit barrier.
 - This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.
 - The Committee Officer will sweep the area to ensure that everyone is out of this area.
3. Reports are attached for each agenda item unless marked "oral".
4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcamb.gov.uk
5. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

"That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were

present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 2nd October 2019 at 2:00pm.

PRESENT

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

OFFICERS

Emma Barral – Planning Officer
Angela Briggs – Planning Team Leader
Maggie Camp – Legal Services Manager
Rachael Forbes – Planning Officer
Angela Parmenter – Housing & Community Safety Manager
(Agenda Item No.11)
Andrew Phillips - Planning Team Leader
Juleen Roman – Enforcement Team Leader
Janis Murfet – Democratic Services Officer
Rebecca Saunt – Planning Manager
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

IN ATTENDANCE

Cllr Lorna Dupré (Agenda Item No. 5)
Approximately 10 members of the public

34. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs David Brown and Josh Schumann.

It was noted that Cllr David Ambrose Smith would substitute for Cllr Brown for the duration of the meeting.

35. DECLARATIONS OF INTEREST

Cllr Jones declared an interest in Agenda Item No.6 (Site South West of 6 Lode Lane, Wicken) in that he was a member of the National Trust and Wicken Fen was a National Trust site.

36. MINUTES

It was resolved:

That the Minutes of the meeting held on 4th September 2019 be confirmed as a correct record and signed by the Chairman.

37. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- A seminar on the North Ely development was being held in the Ely Sessions House at 6:00pm on Thursday, 3rd October 2019, and all Members were urged to attend;
- A Member seminar on affordable housing had been arranged for Thursday, 24th October 2019. It would be held in the Council Chamber and commence at 6:00pm;
- This Authority received approximately 2,000 planning applications per year. Of those, about 100 came to Committee and the other 95% were dealt with under delegated authority. It cost approximately £1,000 to bring an application to Committee, and Members were asked to bear this in mind when considering making a call-in;

Some applications automatically came to Committee. He wished to underline that Planning Committee was quasi-judicial and Members had to keep an open mind. If they discussed an application and expressed an opinion in public, this disqualified them from hearing the case, taking part in any debate or voting on that item;

- He was sad to say that some Members had been subjected to harassment and threats at their homes. So far such incidences had been dealt with by letter, but such behaviour was unacceptable and if any Member experienced this, they should report the matter to the Monitoring Officer;
- Members were reminded that a call-in should only really be made by the local Member. However, there were exceptions and if a Member wanted to call in an application that was outside their Ward, they should first discuss it with the local Member and work with them;

- He had noted that a Member wished to call in any current and future applications relating to the Kings of Witcham site. This was not correct, as all planning applications had to be called in on a case by case basis.

38. 19/00125/VAR – KINGS OF WITCHAM LTD, THE SLADE, WITCHAM

Emma Barral, Planning Officer, presented a report (reference U82, previously circulated) which sought planning consent for a variation to the construction of eight detached dwellings approved under LPA Reference 17/00689/FUL on land that used to be occupied by the Kings of Witcham garage and car sales facility.

Historically, the redevelopment of the site had been supported by the District Council since 1993 when the demolition of the garage and erection of 8 bungalows was approved. This application sought planning consent for a variation to the construction of eight detached dwellings approved on the 7th June 2018 and proposed to vary Condition 1 which related to the approved plans.

Planning conditions relating to materials, archaeology, tree protection, Construction Environmental Management Plan, Great Crested Newts, external lighting, maintenance and management, the footpath link to silver street, bin store and foul and surface water drainage had been discharged. The planning condition relating to contamination had been part discharged.

The developer had confirmed that the floor to ridge heights of the elevations were not proposed to change. Only the updated finished floor level heights for the proposed dwellings had increased by an estimated average of 50cm across the application site.

The site extended behind No. 8 The Slade and was located within the settlement boundary of Witcham, close to the boundary of the Conservation Area. The majority of the site fronted The Slade and was in a predominantly residential area, with bungalows on either side and a mix of single and two storey properties opposite the site.

It was noted that the application had been called in to Committee by Councillor Lorna Dupré for the reasons as set out in paragraph 2.7 of the report.

A number of illustrations were displayed at the meeting, including a site location plan, aerial photograph, planning history, elevations, and various photographs of the site and neighbouring properties.

The main considerations in the determination of the application were:

- Principle of Development;
- Residential Amenity; and
- Visual Amenity.

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

The principle of development at the site had already been established through the application approved on the 7th June 2018. Many of the related material planning considerations had been considered as part of this previous application and therefore this report would focus primarily on the changes to the approved plans and the alterations to the finish floor levels and the land levels that the dwellings would sit on.

The proposed alterations were not considered to cause substantial harm to visual amenity or to result in an unacceptable degree of visual harm to the character and appearance of the application site, surrounding area and street scene. The proposal therefore complied with Policies ENV1 and ENV2 of the Local Plan 2015 by remaining sympathetic to the character and appearance of the surrounding area.

It was considered that due to the minor changes in finished floor levels and land level changes to the approved dwellings and their distances from the Conservation Area boundary that there would be no adverse impact on the setting of the Conservation Area. The proposal was therefore compliant with 2015 Local Plan Policy ENV11.

Speaking next of residential amenity, the Planning Officer drew Members' attention to the site plan and said the proposed internal and external elevations were not changing as a result of the variation of the approved plans. Plots 1, 6 and 7 of the proposed development would remain modest 7.5m high dwellings with a traditional design, however the finished floor levels and land levels had increased by an average 50cm across the application site meaning that the proposed plots would be slightly higher.

The most notable impact in relation to neighbour amenity would be at ground floor due to the increase in land levels and especially the impact from Plot 6 to Number 8 The Slade and Plot 1 to Number 6 The Slade. It was considered that the impact by way of overbearing would not be significantly greater given the scale and heights of the dwelling houses already approved under application reference 17/00689/FUL in June 2018.

The proposed changes were not considered to result in any additional significant impact upon loss of light or overshadowing given the distances retained to Numbers 6 and 8 The Slade and the orientation of the proposed plots. Therefore matters of overshadowing, overbearing nature and loss of light would not result in a material impact due to the distances retained and the extent of the changes proposed.

The existing boundary fence serving Number 8 was approximately 1.8 metres in height including a trellis above to the rear boundary. Given that the

increases in finished floor levels and land levels might result in a degree of harm by way of overlooking and loss of privacy from the proposed east facing kitchen window to Plot 6, it was considered necessary to require an additional 2 metre fence on the common boundary between Plot 6 and Number 8 The Slade to reduce harm by way of overlooking. This was also considered to be required on the common boundary between Number 6 The Slade and Plot 1 to reduce harm by way of overlooking and loss of privacy. Subject to the inclusion of 2 metre high fences on the aforementioned boundaries, on balance it was considered that the impact on the neighbouring dwellings and amenity spaces of Number 6 and 8 The Slade were acceptable.

With regard to other matters, it was noted that a surface water drainage scheme was submitted as part of the discharge of condition 4 of the permission granted on 7th June 2018; this was discharged on 30th July 2019 after careful review by Environmental Health and the Lead Local Flood Authority.

The planning condition relating to contamination of the consent granted on 7th June 2018 had been considered by Environmental Health and was part discharged on 30th July 2019.

Matters relating to Highways, Ecology, and Archaeology had been discharged under the previous consent.

At this point the Chairman said that a detailed letter of objection had been submitted by Mr and Mrs Boness, residents of The Slade. The letter was emailed to all Members of the Planning Committee in advance of the meeting and paper copies were tabled for reference on the day.

At the invitation of the Chairman, Mr Mick Housden, a resident of The Slade, addressed the Committee and made the following points:

- Drawing 16-151SK1001 Rev C lacked detail because it had no measurements. Comparison of the proposed ridge heights could not be made to the neighbouring bungalows at 6 and 8 The Slade. From floor to ridge the dwellings would be significantly higher;
- The plan clearly showed how close the proposed houses were to the neighbouring bungalows. They would be overbearing and steal their light and have a detrimental impact;
- The increased land level would be significantly higher and slope down to adjoining properties, giving a potential for water run-off and flooding;
- Intercept drains were not shown on the plan and the additional surface water has not been adequately controlled;
- Top soil was to be applied and the proposed slope of the land level would compromise the recommended minimum level thus increasing the possibility of contamination to adjoining properties;

- He was unclear and concerned about the capacity of the foul water system. There should be sufficient measures in place to address the issue of flooding;
- He would like to see the proposed dwellings more in keeping with the street scene.

Councillor Jones asked about the issues relating to flooding and Mr Housden said that there were also problems with sewage. He and his neighbour were situated the lowest on The Slade and the attenuation chamber backed into their gardens.

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

- His clients were well respected builders;
- There were many pre-commencement conditions, some of them quite challenging. All of them had been discharged, except contamination and surface water had been subject to a stringent condition;
- The variation was almost identical to the previous application, but the floor levels had changed and this was needed for the surface water attenuation;
- The drainage scheme would be dealt with by a respected local firm of engineers;
- Concerns had been raised by residents and the Parish Council, but the residents of No. 8 The Slade were happy with the revised proposals;
- The only variation was in respect of floor levels. The Committee was not being asked to consider if the site was capable of development;
- There had been many comments about contamination. An in-depth examination would be conducted and the findings of the report would be fully implemented;
- The top soil had been tested and the results submitted to the Scientific Officer;
- His clients were very experienced in working with contaminated sites and he hoped that Members would be minded to grant the variation.

Councillor Jones wished to know why drainage had not been included in the original scheme. Mr Fleet replied that it would have been submitted with the original but it was very expensive and his clients were concerned that they would not get permission for 8 dwellings, so decided to deal with it by condition. Councillor Jones then asked if there were other options for the site regarding drainage and Mr Fleet said that there had been negotiations with the Environment Agency and the Council; the discharge rate was before

Members today and this was the only option as they did not want to discharge to the foul water system.

Councillor Trapp enquired about surface water drainage and Mr Fleet replied that the floor levels would be raised to make the surface water levels work on the site. The water should percolate through the ground.

At the invitation of the Chairman, Councillor Karl Mackender, Vice Chairman of Witcham Parish Council, addressed the Committee and made the following remarks:

- The scheme might only be for 8 houses, but this was a significant number for Witcham;
- The Parish Council and villagers had always accepted that the site would be developed, but residents needed to be protected;
- The condition regarding foul and surface water had now been discharged, but he felt it had been done without sufficient understanding. Surface water drained to the ditch at the back of the site and the Environment Agency had not been consulted;
- This application would raise levels by only a ½ metre, but in this location it would stand out and impact on the street scene. Plot 1 would be overbearing and cause loss of light;
- The Parish Council was asking for the application to be rejected. The ridge height should be reconsidered so as to be in keeping with the existing, and further consultation on foul and surface water was required with the Environment Agency regarding water going into the ditches.

In response to a question from Councillor Stubbs, Parish Councillor Mackender confirmed that with the help of Councillor Dupré, there had been a meeting with Anglian Water (AW) and the District Council. AW had done a desktop study and said there was capacity but they were not aware of the flooding in the gardens. He had real concerns that there had been no due diligence.

At the invitation of the Chairman, Councillor Lorna Dupré, Ward Member for Sutton, addressed the Committee and made the following comments:

- She had called in the application and was asking Members to refuse it;
- The application had become complex as it progressed and the material provided to the Parish Council made it difficult to make an informed decision;
- She reminded Members of the history of the application leading up to the application to vary Condition 1;

- The increase in land levels were totally out of keeping and would have an overdominant impact;
- The proposal would raise a greater risk of surface water run-off. At no time did the Environment Agency (EA) appear to have been involved, yet the Scientific Officer had recommended that they be consulted regarding drainage. There was nothing on file to suggest that EA had been consulted on the original application or that anyone had gone back to them on the issue of drainage;
- A number of conditions, including drainage, were discharged the day after she had called in the application to Committee;
- The Parish Council and residents were under a great deal of pressure, and she asked Members to think again and this was inappropriate development.

Councillor Downey asked the Planning Officer to clarify whether or not the Environment Agency had been consulted. She replied that they had been consulted but did not make any comments. Condition A was discharged in December 2018 and DIS B was fully discharged in July 2019.

Councillor Trapp asked about the internal height of the rooms but was advised that there were no internal changes proposed.

Councillor Wilson expressed concern regarding the concept of adding a layer of topsoil and he asked what part of the condition relating to contamination had yet to be discharged. Andrew Phillips, Planning Team Leader, advised that the developer needed a clean site, including topsoil. They would be putting in an impermeable membrane and hard standing and this was why they were working closely with consultees. They would have to come back to the Authority before occupation in order to fully discharge the condition.

Councillor Wilson continued, making reference to an application some years ago in Littleport involving contaminated land. The Council had been financially liable to address that problem and he wished to know who could guarantee that this land was not contaminated. Mr Phillips reiterated that the developer would decontaminate the land as agreed, before any occupation.

The Planning Manager interjected to say that a contamination condition was now attached to all planning applications for residential development and the Authority had dealt with sites that were far more contaminated than this one. The Scientific Officer went through everything and had to report anything that was above the required levels. Today's application was a variation of Condition 1 of the plans and the Committee was not in a position to refuse permission on contamination matters.

Councillor C Ambrose Smith reminded Members that the site to which Councillor Wilson had referred was an old gasworks and very different to the Kings of Witcham site.

Councillor Jones noted that Mr and Mrs Boness had raised contamination in their letter and he asked whether raising the levels would have an adverse effect on drainage. Mr Phillips responded, saying that the water would drain to a shared surface area and then into a ditch. The greenfield run-off rate would be improved because the water would go straight into the ground. It would be at a controlled rate, and should be cleaner with less water draining. The Lead Local Flood Authority had commented and they were happy, but the developer was keeping them informed.

Councillor C Ambrose Smith believe the scheme to be commendable and said she thought the Parish and District Council should leave the technical detail to the professionals. Councillor Stubbs concurred, adding that she was comforted by the developer saying that the residents at No. 8 were content and she considered Officers to have done a good job.

It was duly proposed by Councillor Stubbs and seconded by Councillor David Ambrose Smith that the Officer's recommendation for approval be supported.

The Chairman reminded Members that while they could have opinions, they had no authority to alter the details of an application and therefore had to determine what was before them. He believed it would be better to raise the houses to make them secure for the future.

Councillor Downey agreed that the site needed to be developed, but he did not think the scheme had been thought through enough.

Councillor Jones did not feel the scheme would have a significant impact on the approach to the village as there were other dwellings which were higher, but he did have some concerns regarding the overshadowing of Plot 6.

There being no further comments or questions, the Committee returned to the motion for approval. When put to the vote, it was declared carried, there being 6 votes for, 3 votes against and 1 abstention. Whereupon,

It was resolved:

That planning application reference 19/00125/VAR be APPROVED subject to the recommended conditions as set out in the Officer's report.

39. 19/00590/OUT – SITE SOUTH WEST OF 6 LODE LANE, WICKEN

Rachael Forbes, Planning Officer, presented a report (reference U83, previously circulated) which sought outline permission for a detached bungalow, garaging, parking, access and associated site works. Agreement was sought for access and scale only; appearance, landscaping and layout would be considered as part of a reserved matters application.

The site was located to the south west of Wicken, outside of, but adjacent to the established development envelope for the village. The application site comprised a small parcel of a much larger agricultural field, with Wicken Fen Nature Reserve located further along Lode Lane to the south. There were residential dwellings located directly to the north of the site and on the opposite side of Lode Lane to the east. A Public Right of Way ran adjacent to the northern boundary of the site.

It was noted that the application had been called in to Planning Committee by Councillor Ian Bovingdon as there had been no objections from the Parish Council, and the addition of the footpath was a welcome addition.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph, layout of the proposal, and photographs of the location and street scene.

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Amenity;
- Residential Amenity;
- Ecology;
- Highway Safety and Parking;
- Public Right of Way;
- Historic Environment; and
- Flood Risk and Drainage.

Members were reminded that application reference 18/01287/OUT had been refused for two reasons. The first was that the extension of built form into the countryside would result in significant and demonstrable harm to the local rural landscape character and by virtue of the harm the proposal would not constitute sustainable development. The second reason for refusal was that insufficient information had been provided to ascertain whether there would be any ecological impacts as a result of the development due to the presence of a barn on site which was considered to have ecological potential.

The current application had amended the scale of the proposal, proposed a footpath to Wicken Fen and provided an Ecology Report to allow the ecological impacts of the development to be assessed.

With regard to the principle of development, the Council was currently unable to demonstrate an adequate five year housing supply and therefore applications were being assessed on the basis of presumption in favour of development unless there were any adverse impacts in doing so.

The rural character of the appearance of the site provided a positive contribution to the wider rural surroundings, while also contributing to views over the open countryside and towards Wicken Fen Nature Reserve. The site, while adjacent to the development envelope, was located in a sensitive edge of village location, beyond an existing small row of dwellings on the west side of Lode Lane, where there was an immediate change to rural open countryside. It was considered that in this case the proposal would cause significant and demonstrable harm to the character and appearance of the area which could not be mitigated. The adverse impacts of the proposed development were considered to outweigh the economic and social benefits of the scheme and for this reason the proposal did not constitute sustainable development.

In terms of visual amenity, although the height of the proposal had been reduced and the width marginally reduced from the previous application, the depth had increased significantly. It was considered that a dwelling in this location would extend residential built form into the countryside in a way that would cause significant and demonstrable harm, increase the sense of suburbanisation and result in the loss of important open views of the countryside and Wicken Fen and would be contrary to policies ENV1 and ENV2.

The layout was not for consideration at this stage, however the indicative layout showed sufficient separation distances between the proposed dwelling and the closest neighbour. As appearance was not for consideration, overlooking impacts could not be considered. However, given the size of the plot, it was considered that a dwelling could be achieved in this location without resulting in a significant impact to residential amenity.

It was noted that the plot size exceeded the size set out in the Design Guide SPD and could provide 50sqm of private amenity space.

The site proposed an access from Lode Lane and visibility splays had been shown on the plan. There was sufficient room on site for the parking and turning of vehicles and parking spaces for two cars and a double garage had been indicated on the plan. The Local Highway Authority had raised no objection to the proposal but had confirmed that the proposed footpath would not be suitable for adoption by the Local Highway Authority.

A Public Right of Way (Public Footpath No. 18, Wicken) ran along the northern boundary of the application site. However, it was noted that the proposed development did not obstruct the Public Right of Way and the County Council Definitive Map Team had stated that they had no objection to the proposal.

Speaking next of ecology, the Planning Officer reminded Members that the site was in close proximity to Wicken Fen, which had the following designations: Ramsar Site; Special Area of Conservation; Site of Special Scientific Interest (SSSI) and National Nature Reserve.

An ecological report had been submitted for consideration. The Cambs Wildlife Trust had commented that they had reviewed the Preliminary Ecological Appraisal and were satisfied that the proposed development was unlikely to have significant negative impacts on protected species, habitats or direct ecological impacts on nearby protected sites. However, the Cambs Wildlife Trust had further commented that the proposal site was in close proximity to Wicken Fen, which is a key biodiversity and green infrastructure asset and planning proposals within the Wicken Fen Vision Area should be carefully considered in terms of whether they were appropriate and fitted with the long term aims of the area.

It was considered that it had been sufficiently demonstrated that the proposal would not result in impacts to protected species, habitats or impacts to nearby protected sites.

In connection with other matters, Members noted that the site is considered to have archaeological significance. Cambridgeshire County Council Archaeology Team had commented that they did not object to the proposal but had recommended a condition for archaeological investigation.

The site was in Flood Zone 1 and was therefore at the lowest risk of flooding.

The Planning Officer concluded by saying that the site was considered to be an unsustainable location that did not meet all of the three dimensions of sustainable development. The proposal would result in significant and demonstrable harm to the character and appearance of the area by extending residential built form into the countryside, in a sensitive edge of village location, which would increase the sense of suburbanisation and result in the loss of important open views of the countryside and towards Wicken Fen. The application was therefore recommended for refusal.

The Chairman informed Members that Mr David Werner, a resident of Lode Lane, was unable to attend the meeting but had requested that a statement of objection be read out in his absence. With the permission of the Chairman the Democratic Services Officer read out the following:

“This application is a resubmission of one refused by ECDC (ref. 18/01287/OUT – Case Officer Richard Fitzjohn) on 9th November 2018. The anomalous, but only temporary, absence of an ECDC Local Plan has provided a pretext for repeating the proposal.

The Council’s last refusal considered the proposal as ‘causing significant and demonstrable harm to the ... landscape ... of the area’. Consequently, it was contrary to several policies of ECDC’s Local plan, the submitted Local plan and central government advice in the NPPF (2018).

Given the above, the proposed development did not therefore constitute a sustainable development – irrespective of the absence of a complete land supply demonstration by the Council.

The 3-fold dimensions of sustainability, as defined by the NPPF are not met; the economic and the social roles are negligible whilst the environmental negativity is overwhelming. The proposal fails to meet all three of the NPPF development guidelines.

The application remains repugnant to ENV7 and LP30, with the renewed submission still lacking an ecological assessment. In the circumstances the applicant cannot enjoy the protection of an 'incidental result defence'. The site is frequented by barn owls, slow worms and grass snakes and supports over 10,000 rose blooms that attract innumerable insects in the summer and sustain overwintering species too. The general setting is of unquestioned landscape importance and is internationally recognised and protected for its ecological significance.

This document contains a number of inaccuracies thereby diminishing the adverse impact of the project; for example, overstating the distance of bodies of water, vital to newts and frogs, from the site. Scant attention is given to the floral richness at and surrounding the site nor are the referenced to nocturnal wildlife reliable.

Although not directly and materially relevant to this specific application, its success could easily initiate an escalation of further building applications on this currently unspoilt stretch of countryside. Please note that my neighbour, Mrs Elaine Boyd, has given me her third party consent in support of this objection.

If built, will the footpath be a permissive right of way or designated as a permanent right of way? Will the applicant be prepared to construct the path to the required standard prior to the main project?

From the cursory examination I have been able to make of the Highways assessment, their observations suggest necessary structural changes that would further aggravate the aesthetic, traffic concerns and public footpath proximity issues which have been raised previously."

At the invitation of the Chairman, Mr Andrew Fleet, agent, addressed the Committee and made the following points:

- His clients had always lived locally. They now lived in Fordham but were involved in Wicken and had always intended to move back there;
- The site was on the north west side of Lode Lane and was fully sustainable, being within walking distance of the village;
- The family owned the arable field and there was already built form on the site;
- The Parish Council had approached the family for land for a footway five years ago and today's application proposed a safe pedestrian access which would improve the safety of visitors to Wicken Fen;

- There had been discussions with the Parish Council regarding the adoption and maintenance of the footway;
- The site was next to the development envelope and the proposal would remove the dilapidated barn;
- There were concerns about the further urbanisation of the countryside, but the garage could be positioned on the north east side of the plot and with the demolition of the barn, this would open up the views;
- The proposal was for a single dwelling and there was already built form on the site;
- The application should be judged on its own merits. The Council could not demonstrate a 5 year supply of housing land, this was not a commercial proposal and it was adjacent to the village envelope.

In response to a question from Councillor Trapp, Mr Fleet indicated how far the footpath would extend to the north and he informed Councillor D Ambrose Smith that if the building was turned to No. 6's boundary, it would open up the views.

Councillor C Ambrose Smith said she took on board the point about impinging on Wicken Fen. However, a new footpath would be a tremendous gain, and given that the Parish Council supported the proposal, she questioned what harm would be caused.

Councillor Wilson was keen to support the views of the Parish Council. He had some concerns regarding the pathway, but thought it would be a benefit if it was on the other side of the ditch. He reminded Members that this was only an outline application. Mr Phillips confirmed that the footpath would be on the field side of the ditch.

The Chairman said that Wicken Fen was unique and this was a particularly special area. He considered the reasons for refusal to be totally valid and asked the Committee to think about the impact of the scheme. If there was an extension, the area would be built on and visual impact should be added as a reason for refusal.

Councillor Trapp agreed that it would be a real pity if the site was developed any further. Councillor Downey said he agreed with the comments made by Councillor C Ambrose Smith and felt that it was a bit unfair to treat Wicken Fen as being completely in the open.

Councillor Stubbs declared her support for the Officer's recommendation for refusal. She challenged the use of the term 'reasonable built form', saying that in her opinion 'significant and demonstrable harm' was spot on.

It was proposed by the Chairman and seconded by Councillor Stubbs that the Officer's recommendation for refusal be supported.

When put to the vote, the motion was declared carried, there being 6 votes for, 3 votes against and 1 abstention.

It was resolved:

That planning application reference 19/00590/OUT be REFUSED for the reasons given in the Officer's report.

40. 19/00978/FUL – 70 WEST STREET, ISLEHAM, CB7 5RA

Emma Barral, Planning Officer, presented a report (reference U84, previously circulated) which sought planning permission for two storey and single storey rear extensions along with demolition of the existing single garage and erection of a double carport.

Members were asked to note that the applicant had reduced the scale of the proposed garage to be 4.1 metres in height in amended plans received on the 30th September 2019. The scale of the proposed garage was acceptable, being the scale originally agreed in a previous application and therefore the second reason for refusal in the Committee report was no longer required.

The site was located to the north of West Street and to the east of Hall Barn Road and it was accessed via a private road connected to West Street. It was within the development envelope for Isleham, but the density of the built form within the surrounding vicinity of the site was very low. There was a public footpath which ran through the application site, adjacent to the northern boundary, and Grade II listed buildings approximately 30 – 40 metres to the north within the grounds of Hall Farm.

It was noted that the application was called in to Planning Committee by Councillor J Schumann for the reasons as set out in paragraph 2.4 of the report.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph highlighting the right of way and listed buildings, revised carport elevations and dwelling elevations.

The main considerations in the determination of the application were:

- Residential Amenity;
- Visual Amenity;
- Highway Safety; and
- Setting of Listed Buildings.

The Planning Officer stated that the proposed two storey element would project 5.5 metres with a width of 6.8 metres and a total height of 6.6 metres. The proposed single storey element would project 5.5 metres and 4.6 metres to the rear of the dwelling house to create a staggered projection with a total width of 9.5 metres.

In connection with the planning history of the application, Members noted that an application (reference 17/00607/FUL) was granted permission on 14th June 2017 by Officers for a two storey extension that projected 3.6 metres at two storey and 4.8 metres at ground floor. This was reduced through the course of this previous application due to Officers' concerns with the original depth of projection proposed at 5.5 metres.

In terms of residential amenity, it was considered that there was sufficient distance from any neighbouring properties to prevent significantly harmful impacts on amenity and the proposed extension and carport would not create any significant detrimental impacts.

Members noted that the Design Guide SPD stated that when a dwelling had been extended the original building should still be clearly legible and pre-dominate and any extension should also be subservient to the existing dwelling.

Given the depth of the projection, the proposed two storey rear extension was considered to result in development that was disproportionate to the scale of the existing dwelling house. Together with a ridge height similar to the existing and the excessive depth of projection, the proposed extension would be overly-prominent to the existing dwelling resulting in a bulky and dominant extension that would be visually detrimental to the character and appearance of the existing dwelling. It would be highly visible within the street scene, from the Public Right of Way and from the public highway, contrary to Policies ENV1 and ENV2 of the Local Plan 2015 and the Design Guide SPD.

With regard to the historic environment, it was considered that by virtue of its distance from any neighbouring properties, the proposed extension and carport would not create any significant detrimental impacts upon the character, appearance or setting of the listed buildings. The level of harm to the setting of listed buildings was considered to be extremely minimal with no harm caused.

It was noted that there was sufficient space on the site for parking and manoeuvring and that the Local Highways Authority had raised no objections to the proposal.

The Planning Officer concluded her presentation by saying that the proposed development would cause significant and demonstrable harm to the visual amenity of the existing building and character of the surrounding area. It would fail to visually protect or enhance the street scene by virtue of the depth of projection which was considered to be disproportionate to the scale of the original dwelling.

This visual dominance was considered to result in harm to the character and appearance of the dwelling and to that of the surrounding area and the application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Jamie Palmer, agent, addressed the Committee and made the following remarks:

- This was a variation of the previous application and the proportions on the ground floor had been varied. The footprint was only 1 square metre larger;
- The land was held in the family. They did not wish to jeopardise the setting and history of the location, but they needed more room;
- It was said that the proposal would cause harm, but he questioned whether this would be the case. The single storey element would be reduced and there were now 2 bungalows on the green strip which masked the view from Hall Barn Road. The main issue is the first floor and this is not visible within the immediate street scene;
- The extensive curtilage could take the development, the site was isolated and materials would match the existing;
- There had been no objections from the consultees or neighbour regarding the extension;
- The scheme would accommodate the family.

Councillor C Ambrose Smith asked if the size of the existing dwelling could be increased under Permitted Development Rights and the Planning Officer replied that there might be options to be explored. Councillor C Ambrose Smith continued, saying that if the family wanted a larger house, then perhaps they should have been allowed to build it in the first place, as there was a larger property on the other side of the road. The Planning Manager interjected to say that this would be for Members to decide.

Councillor Trapp said he could not see much of a significant difference and the Planning Officer responded, saying that the key change was the extension at two storeys.

In response to a comment from Councillor D Ambrose Smith that there was only 1 square metre difference on the ground floor footprint, the Planning Manager reminded Members that the second storey was an addition.

Councillor Wilson believed that nobody was really objecting to the scheme. Only the Officer felt that the change would be to the detriment of the existing house. He thought that it would not do any harm because it was not overlooking anyone, would not impact the listed building or cause any traffic problems; he could not see why the application should not be granted permission.

Councillor Trapp disagreed, saying he believed it would be visually intrusive and Councillor D Ambrose Smith expressed concern about how it would sit in the location.

Councillor Jones wished to know if the proposal would cause significant harm to the area if it breached the Design Guide SPD. The Planning Manager replied that this would be for Members to decide and reiterated that the issue was visual impact, not residential amenity.

It was proposed by Councillor C Ambrose Smith and seconded by Councillor Wilson that the Officer's recommendation for refusal be rejected, and the application be granted approval.

When put to the vote, the motion was declared carried, there being 8 votes for and 2 votes against. Whereupon,

It was resolved:

That planning application reference 19/00978/FUL be APPROVED for the following reason:

Members believe that the development does not cause significant and demonstrable harm to the visual amenity of the surrounding area.

It was further resolved:

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

At this point there was a comfort break between 4:08pm and 4:14pm.

41. STATEMENT ON THE SEEKING OF AFFORDABLE HOUSING

Rebecca Saunt, Planning Manager, presented a report (reference U85, previously circulated) on behalf of Richard Kay, Strategic Planning Manager.

Members were asked to note the slightly conflicting national and local policy for the seeking of affordable housing from development schemes, and to endorse a Statement clarifying the likely approach decision takers on planning applications would take henceforth.

The Planning Manager said that the report and Statement very much spoke for themselves. The Statement aimed to explain what the conflict was, and then went on to set out what was likely to be a reasonable position for the decision maker to take for the vast majority of planning applications that would be considered in East Cambridgeshire.

She reiterated that the Statement was not formal planning policy. It did not replace any policy in the Local Plan, as to do so would be unlawful. It also did not alter the fact that the decision taker must, lawfully, still use the starting point for considering proposals, the relevant policies as set out in the Local Plan (and Neighbourhood Plan, if one existed in that area).

The National Planning Policy Framework had been updated in 2019 and Members were therefore being asked to endorse Appendix 1 to the report which would lower the threshold for affordable housing in respect of major developments to 10 or more dwellings. It was noted that this would cover any site having an area of 1 hectare or more.

The Statement, if endorsed, would not compel the decision taker to apply it in all instances, but rather it was intended to be used as a guide. If however, it was not endorsed then decision takers would be free to consider what weight to apply to national and local policy as they saw fit.

Councillor Wilson asked what would happen if a major development included an area of land, but only a part of it was the site. The Planning Manager said that this would be captured by the Statement. If the Authority thought that the land was being developed piecemeal, Officers would go back and raise this with the developers.

In proposing that the Statement be endorsed, Councillor Trapp said that he very much supported the recommendation as it could help to clear up loopholes. The motion was seconded by Councillor D Ambrose Smith, and when put to the vote,

It was resolved unanimously:

- I. To endorse the *'Statement on the Seeking of Affordable Housing Developer Contributions'*;
- II. To note that the Statement is not formal policy of the Council, and that it does not supersede any relevant policy in the Local Plan 2015 or in any duly made Neighbourhood Plan, but that instead its purpose is to clarify the likely weight planning decision takers will give to local and national policy on affordable housing;
- III. To note that by endorsing the attached Statement, it does not compel any decision taker, including this Planning Committee, to follow the principles set out in the Statement in all instances, and that for any particular planning application the decision taker is able to determine the relevant and reasonable weight to be applied to local and national policy as it sees fit (with such weight potentially different to that as suggested by the Statement).

42. PLANNING PERFORMANCE REPORT – AUGUST 2019

The Planning Manager presented a report (reference U86, previously circulated) which summarised the planning performance figures for August 2019.

It was noted that the Department had received a total of 196 applications during August 2019, which was an 18% increase on August 2018 (163) and an 8% decrease from July 2019 (210).

Members were asked to note that the figure for the DIS/NMA target had risen, with 72% having been determined on time.

The Planning Manager said that 2 valid appeals had been received, and 8 had been determined, with 2 having been dismissed and 1 allowed.

The Authority had dealt with its first High Hedges Appeal at St Johns Manor, St Johns Road, Ely. The Remedial Notice was appealed but the owner was required to cut the hedging down to the height specified by the Planning Inspector.

The Chairman praised the Planning Team for being such a hard working department; Officers' behaviour was always commendable and he felt that the Planning Manager had created a positive, can-do atmosphere.

Whereupon,

It was resolved:

That the Planning Performance Report for August 2019 be noted.

43. EXCLUSION OF THE PRESS AND PUBLIC

It was resolved:

That the press and public be excluded during the consideration of the remaining item no. 11 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Categories 2 & 6 of Part I Schedule 12A to the Local Government Act 1972 (as amended)."

44. NON COMPLIANCE WITH A PLANNING ENFORCEMENT NOTICE

The Planning Manager presented an exempt report (reference U87, previously circulated) which sought Member agreement for a specific course of action in relation to non-compliance with a Planning Enforcement Notice.

The report set out the background to the case, the options available to Members, the financial implications, and issues regarding equality and human rights. Following discussion, and having asked questions of the Planning Manager and Enforcement Team Leader,

It was resolved:

That the Planning Service be authorised to take the action recommended in the Officer's report.

The meeting closed at 4.56pm.

MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/08/19

Location: Land off Hod Hall Lane, east of Metcalfe Way, Haddenham.

Applicant: N/A

Agent: N/A

Reference No: TPO/E/08/19

Case Officer: Kevin Drane, Trees Officer

Parish: Haddenham

Ward: Haddenham
Ward Councillor: Councillor Gareth Wilson

[U100]

1.0 **THE ISSUE**

1.1 To confirm a Tree Preservation Order (TPO) for five trees on land off Hod Hall Lane, east of Metcalfe Way, Haddenham. This matter is being referred to Committee due to objections received in the 28 days consultation period, which ended on 20th September 2019, and for the requirement to confirm the TPO within six months to ensure the trees are protected for public amenity.

2.0 **RECOMMENDATIONS**

2.1 It is recommended that:

The TPO is confirmed, with the minor amendment correcting tree T3 species name from Oak to Field Maple in the TPO schedule and on the TPO plan, for the following reasons: The five trees are prominent specimens within the small copse, and visually contribute to the amenity of the local landscape in this part of Haddenham.

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 after a request by local residents who nominated the trees for preservation because the trees stood on the proposed development site, subject of a current planning application 18/01041/OUM at land off Hod Hall Lane, east of Metcalfe Way, Haddenham. The proposed development layout includes a balancing pond that would likely require the removal of some or all of the trees, which were not protected at that time of the TPO nomination request.

4.2 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 19th August 2019 because:

- Trees on the site were considered at risk of being removed before the planning application 18/01041/OUM is determined.
- Attempts to reach an agreement with the developer for an alternative location for the balancing pond, allowing retention of all or some of the trees was unsuccessful.
- Serving the TPO allows time for debate on the future of the trees on this proposed development site, and time for the Planning Officers to weigh up all the planning constraints relevant to this application before the final decision is made.
- The trees were assessed to have amenity value, as they make a visual contribution to the local landscape in this part of Haddenham.

4.3 An objection to the serving of the TPO was received in writing from the owners' Agent on their behalf during the statutory consultation period. The letter and documents with the objections are in Appendix 1. The details of the objection were:

- Objection to the TPO being confirmed in respect of two of the five trees, and that T3 & T4 should be withdrawn as they do not provide a significant public amenity.
- Why the TPO was served late during the consultation period of their planning application of 25/07/18 with no preliminary discussion with their client.
- The error in the TPO document served on 19th August 2019 where the species of T3 is stated incorrectly as Oak
- It is the view of the Agent's appointed arboricultural consultant that TPO status on the five trees is not justified, and is questionable.
- The justification for this TPO is landscape/amenity value. It is considered that for the five trees it is more a case of ensuring

replacement planting than any true landscape value of these particular trees.

- The site is currently subject to a planning application, so the Council can secure additional trees for the site through a suitably worded planning condition, should permission be granted

- 4.4 Support for the TPO was received during the consultation period. The document is in Appendix 2.
- 4.5 Given the comments received, including the objections, and also the public request for the serving of the TPO, it was considered appropriate for the Planning Committee Members to consider all the comments received and reach a democratic decision on the future protection of the 5 TPO trees.

5.0 **CONCLUSIONS**

- 5.1 Whilst the determining if the five trees are of sufficient amenity value or not is to some extent subjective, the Trees Officer remains of the opinion that the trees make a visual contribution to the local landscape and character of the area.
- 5.2 The small error in the TPO documents was spotted early in the consultation period. The Council's Senior Legal Assistant confirmed this was a minor error and could be amended on the original documents with the Planning Manager's signature on the amended sections of the documents as an amendment. (The amended TPO and Formal Notice documents are in Appendix 3).
- 5.3 The trees were assessed for TPO on their amenity value, this being the only requirement needed in evaluating trees for the making of a new TPO. The completed TPO Assessment Sheet document for TPO E/08/19 is in Appendix 3.
- 5.4 It was appropriate to serve the TPO to protect the 5 trees from the risk of being removed before the current planning application is determined, and ensure an opportunity to debate the future of the five trees.
- 5.6 If the decision by Planning Committee is to confirm the TPO, with the minor amendment, this will not necessarily prevent the planning application 18/01041/OUM from being permitted, which if allowed will likely include the removal of the TPO trees to achieve the site layout proposed.
- 5.7 If the Planning Committee decide not to confirm the TPO, the TPO will lapse and the owners can then remove the trees.

APPENDIX 1 – Letter of objection to the TPO on behalf of the owners.

APPENDIX 2 – Email supporting the TPO, received during the consultation period.

APPENDIX 3 – Documents:

- Copy of the TPO E/08/19 document and Formal Notice documents, with the minor amendments signed by the Planning Manager.
- ECDC TPO Assessment Sheet

Background Documents

Location(s)

Contact Officer(s)

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/>

Kevin Drane,
Trees Officer
Room No. 002
The Grange
Ely

Kevin Drane
Trees Officer
01353 665555
kevin.drane@eastcambs.gov.uk

East Cambridgeshire District Local Plan 2015
Planning Application 18/01041/OUM

APPENDIX 1.

Objection to the TPO received on behalf of the owners, and response.

To be circulated to Planning Committee Members prior to the Planning Committee meeting on 6th November 2019.

Cathy White

From: Cathy White
Sent: 20 September 2019 13:58
To: 'Adam Davies'
Subject: RE: Land Off Hod Hall Lane, East of Metcalfe Way, Haddenham TPO No. - E/08/19

Hi Adam,

I shall be happy to received Mr. Fenna's report update.

Kind regards,
Cathy

Cathy White
Senior Trees Officer
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE
Telephone: 01353 616336
Email: cathy.white@eastcambs.gov.uk
Pay, report, apply online 24 hours a day

From: Adam Davies [mailto:Adam.Davies@struttandparker.com]
Sent: 20 September 2019 12:44
To: Cathy White <Cathy.White@eastcambs.gov.uk>
Cc: Dan Smith <Dan.Smith@eastcambs.gov.uk>
Subject: RE: Land Off Hod Hall Lane, East of Metcalfe Way, Haddenham TPO No. - E/08/19

Hi Cathy

Thanks for your acknowledgement and for clarifying the confusion over T3.

I will pass on your comments to Mr Fenna, it would be helpful to be in agreement before planning committee. I assume you will be happy to receive an update of his report for clarification.

Kind regards

Adam

Adam Davies

Associate Director
Strutt & Parker
66-68 Hills Road
Cambridge
CB2 1LA

Direct Line: 01223 459493 Mobile: 07471 215456



From: Cathy White [mailto:Cathy.White@eastcambs.gov.uk]
Sent: 20 September 2019 12:24
To: Adam Davies <Adam.Davies@struttandparker.com>
Cc: Dan Smith <Dan.Smith@eastcambs.gov.uk>
Subject: RE: Land Off Hod Hall Lane, East of Metcalfe Way, Haddenham TPO No. - E/08/19

Dear Mr. Davies,

Thank you for your email received 19/09/19 enclosing your letter of objection to the TPO E/08/19, and the supporting letter from Mr. Fenna of Geosphere Environmental Ltd.

I acknowledge receipt of your objections to the TPO E/08/19 on behalf of your clients M Scott Properties Limited. Where objections are received to a newly served TPO within the consultation period, it is the Council's procedure to prepare a report to be presented to the Council's Planning Committee. The Planning Committee will consider the objections made and then decide if the TPO should be confirmed or not. The Planning Committee Members will make a site visit on the morning of the Planning Committee. I will ask the Planning Manager if the TPO E/08/19 report can be presented to the November 2019 Planning Committee.

I will write to you formally to give details of when the TPO will be considered at Planning Committee, as you will be welcome to register to speak and attend the Planning Committee.

The error in the name of T3 (as Oak) on the TPO plan and in the TPO schedule has already been raised with me. I apologise for any confusion caused by my unintentional error in naming T3 Oak instead of the Field Maple. In my assessment for the TPO, I did not intend to include the Walnut tree that is also in this corner of the site. This error can be corrected as a modification to the TPO E/08/18 as it does not significantly alter the understanding of which trees on the site are covered by the TPO. It is clear which tree T3 is on the site, as the position of the tree T3 on the TPO plan remains unaltered, and only the name of the species needs to be amended to read Field Maple.

I shall be happy to receive a call from Mr. Fenna next week as you suggest.

Yours sincerely,

Cathy White
Senior Trees Officer
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely

Cambridgeshire
CB7 4EE
Telephone: 01353 616336
Email: cathy.white@eastcambs.gov.uk
Pay, report, apply online 24 hours a day

From: Adam Davies [<mailto:Adam.Davies@struttandparker.com>]
Sent: 19 September 2019 16:06
To: Cathy White <Cathy.White@eastcambs.gov.uk>
Cc: Dan Smith <Dan.Smith@eastcambs.gov.uk>; Richard <richard@geosphere-environmental.co.uk>; Rich Martin <richard@mscott.co.uk>
Subject: Land East of Metcalfe Way, Haddenham TPO No. - E/08/19

Dear Cathy,

Please find attached a representation on behalf of my client M Scott Properties Ltd in respect of the above TPO. As you will see from the attached report my clients are objecting to the TPO being confirmed in respect of two of the five trees.

I think it would be helpful if Richard Fenna from Geosphere Environmental Ltd contacts you directly to discuss the content of the objection, to see if we can reach an agreement on the extent of the Order before it is considered by the Planning Committee. I will suggest he gives you a call next week to allow you time to review his report.

If you require anything else, please do not hesitate to contact me.

Kind regards

Adam

Adam Davies

Associate Director
Strutt & Parker
66-68 Hills Road
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CB2 1LA

Direct Line: 01223 459493 Mobile: 07471 215456



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FAO: Cathy White
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The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE

Direct Dial: 01223 459493
E mail: adam.davies@struttandparker.com
Our ref: AD/CE/197134
Your ref: Haddenham/TPO/E/08/19

19th September 2019

Sent by email to cathy.white@eastcambs.gov.uk

Dear Sir / Madam

RE: Tree Preservation Order, Land of Hod Hall Lane, East of Metcalfe Way, Haddenham: TPO NO - E/08/19

I refer to your letter dated 20th August 2019 and must express surprise at the enclosed Tree Preservation Order. On behalf of my client's M Scott Properties Limited, I submitted a planning application on 25th July 2018 (application reference 18/01041/OUM) for up to 33 dwellings on the site East of 12 – 18 Metcalfe Way, Haddenham. During the subsequent consultation on this application the Council did not indicate any concerns in respect of the existing trees on site or that any would be worthy of a TPO. However, in June 2019 the Senior Trees Officer's comments were posted online and dated 12th June 2019, over 11 months' since the application was originally submitted. If the trees are generally worthy of protection it seems very odd that the Council has taken over 12 months to serve an Emergency Tree Preservation Order and with no preliminary discussion or consultation with my client or the landowner. Clearly, there was no immediate threat to the trees.

My clients **object** to the Tree Preservation Order being confirmed and I have enclosed a copy of an assessment of the trees undertaken by consultants Geosphere Environmental Limited.

The Council's Tree Preservation Order refers to five trees; T1 being a lime tree and T2, T3, T4 and T5 being identified as oak trees. The Geosphere report indicates that T3 which has been labelled as an oak, is in fact a walnut. It also concludes that T3 and T4 are considered Category C trees and do not provide any significant public amenity value or require any specific protection. It has not been possible to identify what, if any, assessment that the Council has made of these individual trees or their respective contribution to public amenity, as the current order is not available on to the Council's website.

My client agrees with the conclusions of Geosphere Environmental that the trees marked as T1, T2 and T5 on the Tree Preservation Order should be protected by a Tree Preservation Order, however, the inclusion of T3 and T4 should be withdrawn on the basis that these trees do not provide any significant public amenity.





I would be grateful if you will notify me when this matter is to be reported to the Planning Committee to decide whether the Order should be confirmed.

Yours sincerely,



Adam Davies
Associate Director
Strutt & Parker

Enc. Geosphere Environmental Limited Report




Our Ref: 2325,EC,AR,DS/Ltr 002-TPO/RF,KML/19-06-19/V2

M Scott Properties,
Suite 5, Oyster House,
Severalls Lane,
Colchester,
Essex CO4 9PD

19 September 2019

For the attention of Mr Graham McCormick

By Email


Dear Mr Graham McCormick

Land at Metcalfe Way, Haddenham, CB6 3UP - Tree Preservation Order - Land off Hod Hall Lane, East of Metcalfe Way,

1. Introduction

Geosphere Environmental Ltd was commissioned by M Scott Properties Ltd to provide arboricultural consultancy regarding an objection to the provisional Tree Preservation Order - Land off Hod Hall Lane, East of Metcalfe Way, Haddenham. TPO No. -E/08/19. A copy of the Tree Preservation order (TPO) has been enclosed. A site visit was undertaken on the 18 September 2019 to assess the trees proposed to be protected by the Tree Preservation Order.

2. Survey Findings

Twenty trees were identified within the woodland area. Small trees, hazel coppice, shrubs and hedgerow plants have been excluded for clarity. The tree locations are shown on the Tree Location Plan drawing ref. 2312,EC,AR,DS/005/Rev 0, enclosed with this letter. The trees have been categorised based on the methodology set out in BS5837: 2012, Trees in relation to design, demolition and construction - Recommendations.

- 3 trees (T1, T2 and T5) are considered category B trees. These trees are of moderate quality and confer considerable importance on the landscape. These trees should be retained where possible during development.

Seven trees (T3, T4, T6, T7, T8, T9, T10), and 1 group of trees (G1, containing 10 trees) are considered category C trees. These trees are of low quality, or interest, and confer lower levels of benefits to the landscape. The local authority should find it acceptable to remove these trees during development.

If the area is considered together as a group of trees or small woodland, the trees are collectively considered a category B group.

Selected photographs of the trees are enclosed with this letter.

3. Objection to Tree Preservation Order

The trees listed for protection within the TPO include T1, T2, T4 and T5. T3 is labelled as Oak within the TPO, however no Oak is present at the marked location.

It is accepted that the Trees T1, T2, and T5 are of moderate quality, and confer considerable importance on the landscape. As such it is accepted that these trees are protected by the TPO.

T4 is a small, semi-mature tree, with an approximate height of 12m and a stem diameter (measured at 1.5m above ground level) of 264mm, and considered a category C tree. It is considered that this tree does not provide significant public amenity, and that this tree does not require specific protection under a TPO.

There is no Oak tree located at the location of T3. The trees at this location include: T3 walnut, T8 Field Maple, T9 Cherry, and T10 Field Maple. These trees are all small, semi-mature trees, with a stem diameter (measured at 1.5m above ground level) of less than 285mm and a height of approximately 10m. These trees are all considered category C trees and do not provide a significant public amenity or require specific protection under a TPO.

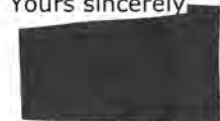
The usual planning process does not require that trees near development sites are protected by TPOs, but that trees are considered during the planning process, and protected by conditions included with planning permission. T3 and T4 could be assessed and protected during the planning process using the standard BS5837: 2012 methodology, whereby suitable trees are retained and protected where possible, and mitigation measures such as replanting is undertaken to replace any lost trees within the proposed development. The proposals should be assessed as part of the planning application by the Local Authority, to ensure that tree protection measures are adequate, and that adequate new tree planting has been included within the proposed development. Any specific tree protection or tree planting could be conditioned as part of the planning process.

Furthermore, the small woodland, that the trees form part of, has been planted and managed to provide a small crop of firewood by the land owner. The trees are currently allowed to grow to a reasonable size before being felled. This small-scale harvesting of wood provides consistent tree cover in the area. The land owner is conscientious in his management and is not proposing to fell the larger trees on his land (trees marked as T1, T2 and T5 within the TPO). However, the TPO of trees T3 and T4 would interfere with the current management.

4. Conclusions

We accept that the trees marked as T1, T2, and T5 on the tree preservation order should be protected by a tree preservation order, however the inclusion of T4 and T3 should be withdrawn on the grounds that these trees do not provide significant public amenity, and that these trees could be protected during the usual planning process, without the need to create a Tree Preservation Order. In addition, this would interfere with the ongoing management of the trees.

Yours sincerely,



Richard Fenna
Senior Arboricultural and Ecological
Consultant

Geosphere Environmental Ltd
richard@geosphere-environmental.co.uk

Checked and authorised By:



Katie Linehan
Technical Director of Ecology
Geosphere Environmental Ltd

Enclosures:

- Appendix 1 – Report Limitations and Conditions
- Appendix 2 – Tree Preservation Order
- Appendix 3 – Tree Location Plan
- Appendix 4 – Selected Photographs



APPENDICES

GEOSPHERE ENVIRONMENTAL LTD

Brightwell Barns, Ipswich Road, Brightwell, Suffolk, IP10 0BJ

T: 01603 298076 | 01473 353519 | E: info@geosphere-environmental.co.uk | W: geosphere-environmental.co.uk

Registered Office: Brightwell Barns, Ipswich Road, Brightwell, Suffolk, IP10 0BJ | Registered in England and Wales | Registered NO: 7107630 | VAT NO: 985 4247 79



Appendix 1 – Report Limitations and Conditions

This report refers, within the limitations stated, to the condition of the site at the time of the inspections. No warranty is given as to the possibility of future changes in the condition of the site.

This report has been prepared for the sole use of the Client for the purposes described and no extended duty of care to any third party is implied or offered. Third parties using any information contained within this report do so at their own risk.

This report is prepared and written for the use stated herein; it should not be used for any other purposes without reference to Geosphere Environmental Limited. The report has been prepared in relation to the proposed end-use should another end-use be intended a further re-assessment may be required. It is likely that over time practises will improve and the relevant guidance and legislation be amended or superseded, which may necessitate a re-assessment of the site.

The accuracy of any map extracts cannot be guaranteed. It is possible that different conditions existed on site, between and subsequent to the various map surveys appended.

Whilst the report may express an opinion on possible configurations of strata between or beyond exploratory holes discussed or on the possible presence of features based on visual, verbal or published evidence, this is for guidance only and no liability can be accepted for its accuracy.



Appendix 2 – Tree Preservation Order



RECEIVED
22 AUG 2019

EAST CAMBRIDGESHIRE
DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555
DX41001 ELY
www.eastcambs.gov.uk

Mr. A. Davies,
Strutt & Parker,
66-68 Hills Road,
Cambridge.
CB2 1LA

This matter is being dealt with by:

Cathy White

Telephone: 01353 616336
E-mail: cathy.white@eastcambs.gov.uk
My Ref: Haddenham/TPO/E/08/19
Your ref

20th August 2019

Dear Mr. Davies,

PARISH OF HADDENHAM IN THE COUNTY OF CAMBRIDGESHIRE
TREE PRESERVATION ORDER LAND OFF HOD HALL LANE, EAST OF METCALFE WAY,
HADDENHAM. TPO NO. – E/08/19

I enclose herewith a copy of the above Tree Preservation Order, which has been served and sent to you as the agent for the site at land off Hod Hall Lane, east of Metcalfe Way, Haddenham, as required under the Town & Country Planning (Tree Preservation)(England) Regulations 2012.

The Tree Preservation Order is effective immediately and will remain in force for a further 6 months during which time the District Council will consider whether to confirm the Order. There is no need for you to respond to this letter or information unless you would like to submit any representations for consideration prior to confirmation, the deadline for this is **Friday 20th September 2019**. Please see the regulation 6 notice on the reverse of the Formal Notice enclosed that outlines the way in which representations may be made

If you would like to speak to someone about the Tree Preservation Order please telephone the Senior Trees Officer, Cathy White, on 01353 616336

Yours sincerely,

Cathy White

For Planning Manager

13

IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Parish of Haddenham in the County of Cambridgeshire
Tree Preservation Order at land off Hod Hall Lane, east of Metcalfe Way, Haddenham.
TPO No. – E/08/19

THIS IS A FORMAL NOTICE to let you know that on **19th August 2019** the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. The Order has been made because the Senior Trees Officer has been consulted regarding the proposed planning application reference 18/01041/OUM for a residential development at land east of Metcalfe Way, Haddenham. The Lime tree and 4 Oak trees to be protected are considered to be healthy specimens of significant public amenity, contributing to the biodiversity and green infrastructure of the local area. The making of the preservation order will ensure that these trees are fully considered in relation to any proposed development of this site.

It is therefore considered justified to afford the tree the protection of a Tree Preservation Order.

Briefly, the effect of the Order, is to make it an offence (subject to certain exceptions) to cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, up-rooting, wilful damage or wilful destruction of any trees specified in the Order, without the consent of the District Council.

Some explanatory guidance on Tree Preservation Orders is given in the enclosed leaflet, *Protected Trees: A guide to Tree Preservation Procedures*, produced by the Department for Communities and Local Government.

The Order took effect on **19th August 2019**. It will remain in force for a further 6 months during which time the District Council will consider whether to confirm the Order. Once confirmed the Order remains in force unless or until the Council formally revoke it.

If you would like to make any objections or comments, the deadline for this is **Friday 20th September 2019**. Your comments must be submitted in writing and meet regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (please see overleaf). The Planning Committee will then consider these when deciding whether to confirm the Order (make the Order permanent).

If in the meantime, you would like to speak to someone about the Tree Preservation Order please telephone Cathy White, Senior Trees Officer on 01353 616336. I will write further to advise you of the Council's decision in respect of confirmation of the Order in due course.

DATED: 19th August 2019

SIGNED: 
Planning Manager
on behalf of East Cambridgeshire District Council

Enc.

Please see Regulation 6 overleaf Regarding the Submission of objections & representations

COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Objections and representations

6(1) Subject to paragraph (2), objections and representations-

(a) shall be made in writing and -

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

b) shall specify the particular trees, group of trees or woodland (as the case may be) in respect of which such objections and representations are made; and

c) in the case of an objection, shall state the reasons for the objection.

6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

Dated: 19/08/19

E/08/19

TOWN AND COUNTRY PLANNING ACT 1990

TREE

PRESERVATION

ORDER

Relating to: - Land off Hod Hall Lane, east of Metcalfe Way,
Haddenham.

Printed and Published by:
East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambs CB7 4EE

ORDER TPO

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

TREE PRESERVATION ORDER

Town and Country Planning Act 1990

**The Tree Preservation Order at Land off Hod Hall Lane, east of Metcalfe Way,
Haddenham, Cambridgeshire. E/08/19 2019**

The East Cambridgeshire District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Tree Preservation Order at Land off Hod Hall Lane, east of Metcalfe Way, Haddenham, Cambridgeshire. E/08/19 2019

Interpretation

2. (1) In this Order "the authority" means the East Cambridgeshire District Council

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall-

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,


any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this [19] day of [AUGUST 2019]

[Signed on behalf of the East Cambridgeshire District Council


.....
Authorised by the Council to sign in that behalf]

[CONFIRMATION OF ORDER

[This Order was confirmed by East Cambridgeshire District Council without modification on the [] day of []]
OR

[This Order was confirmed by East Cambridgeshire District Council, subject to the modifications indicated by *[state how indicated]*, on the [] day of *[insert month and year]*]

.....
Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by East Cambridgeshire District Council on the [] day of *[insert month and year]*]

.....
Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

[This Order was varied by the East Cambridgeshire District Council on the [] day of *[insert month and year]* under the reference number *[insert reference number of the variation order]*]

.....
Authorised by the Council to sign in that behalf]

[REVOCATION OF ORDER

[This Order was revoked by the East Cambridgeshire District Council on the [] day of *[insert month and year]* under the reference number *[insert reference number of the revocation order]*]

.....
Authorised by the Council to sign in that behalf]

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Lime	Central, on the southern boundary of the copse bordering Hod Hall Lane.
T2	Oak	South-eastern corner of the copse bordering Hod Hall Lane.
T3	Oak	North-eastern corner of the copse bordering Hod Hall Lane.
T4	Oak	North-western corner of the copse bordering Hod Hall Lane.
T5	Oak	South-western corner of the copse bordering Hod Hall Lane.

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
	NONE	

Groups of trees (within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	NONE	

Woodlands

(within a continuous black line on the map)

Reference on map

Description

Situation

NONE



East Cambridgeshire
District Council

Town and Country Planning Act 1990
Town and Country Planning
(Tree Preservation) (England)
Regulations 2012

TREE PRESERVATION

ORDER

No. E/08/19

Land off Hod Hall Lane, east
of Metcalfe Way, Haddenham,
Cambs

- T1 - Lime
- T2 - Oak
- T3 - Oak
- T4 - Oak
- T5 - Oak

PLANNING SERVICE

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE
R. Saunt, Planning Manager

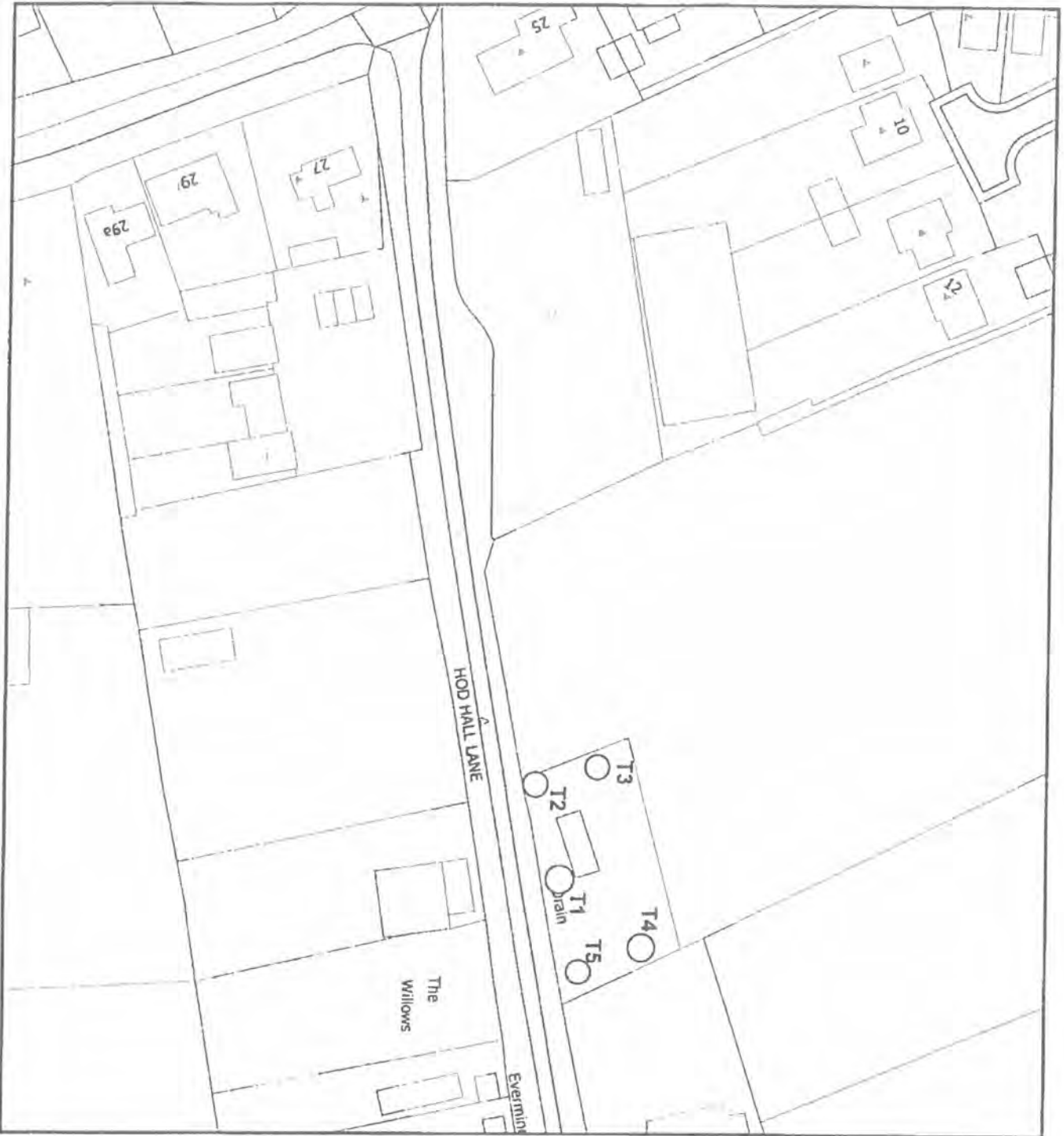
The tree locations are indicative and
may not reflect the exact locations

19 AUGUST 2019



Date: 14/08/2019
Scale: 1:968



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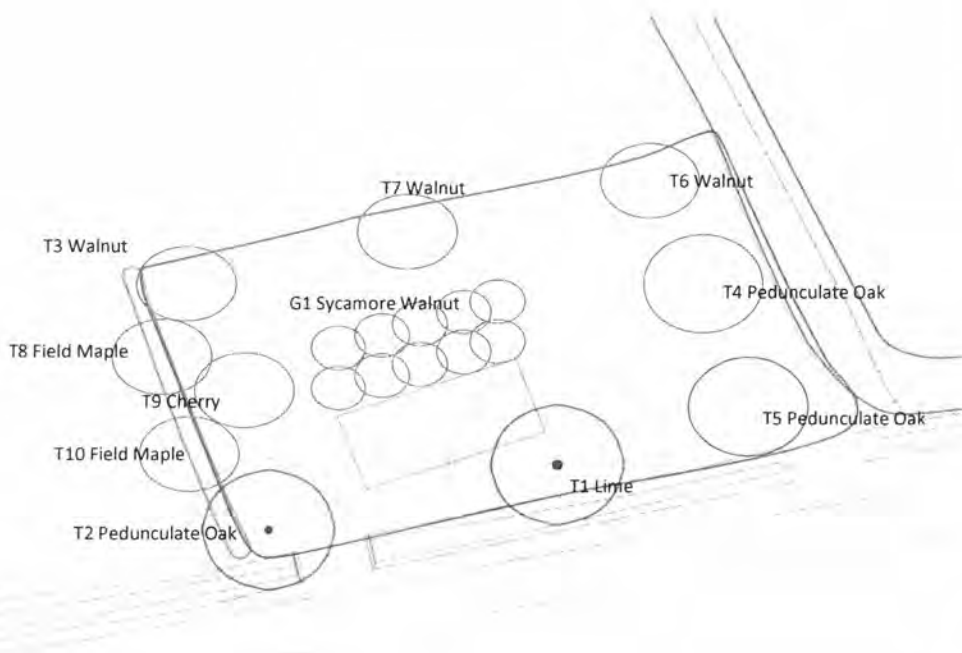




Appendix 3 - Tree Location Plan

LEGEND

-  Category C trees
-  Category B trees



PROJECT
 Land at Metcalfe Way, Haddenham, CB6 3UP

TITLE
 Tree Location Plan
 DRAWING NUMBER
2312,EC,AR,DS/005/Rev0

SCALE	DATE
Not to Scale	18/09/2019
DRAWN BY	FORWARDED BY
RF	KL





GEOSPHERE ENVIRONMENTAL

Appendix 4 – Selected Photographs

Photograph 1



DESCRIPTION

Photograph 1
T10 on the far left, T9 in the foreground, with T8 and T3 at the rear

Photograph 2
T3 on the far left, to the right of which are T8, T9, T10, and T2 to the far right

Photograph 3
T4 located within a stand of Hazel

Photograph 3



Photograph 4



Photograph 4
T5 located near Hazel and small Silver Birch

PROJECT
Land at Metcalfe Way, Haddenham, CB6 3UP

PROJECT NUMBER
2325,EC,AR,DS

TITLE

Selected Photographs

DATE
18/09/2019

PAGE NO. 1 of 1

APPENDIX 2.

Email supporting the TPO, received during the consultation period.

To be circulated to Planning Committee Members prior to the Planning Committee meeting on 6th November 2019.

Cathy White

From: [REDACTED]
Sent: 13 September 2019 15:34
To: Cathy White
Subject: TPO Land off Hod Hall Lane, E of Metcalfe Way.

Dear Cathy,

Thank you for the notification of the above TPO. Let us hope the other trees and shrubs will also remain in addition to the 5 principal large trees.

Kind regards

[REDACTED]

Sent from [Mail](#) for Windows 10

APPENDIX 3.

Documents:

- **Copy of the TPO E/08/19 document and Formal Notice, with the minor amendments signed by the Planning Manager.**
- **ECDC TPO Assessment Sheet**

To be circulated to Planning Committee Members prior to the Planning Committee meeting on 6th November 2019.

Dated: 19/08/19

E/08/19

=====

TOWN AND COUNTRY PLANNING ACT 1990

=====

TREE

PRESERVATION

ORDER

Relating to: - Land off Hod Hall Lane, east of Metcalfe Way,
Haddenham.

=====

Printed and Published by:
East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambs CB7 4EE

=====

ORDER.TPO

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

TREE PRESERVATION ORDER

**Town and Country Planning Act 1990
The Tree Preservation Order at Land off Hod Hall Lane, east of Metcalfe Way,
Haddenham, Cambridgeshire. E/08/19 2019**

The East Cambridgeshire District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Tree Preservation Order at Land off Hod Hall Lane, east of Metcalfe Way, Haddenham, Cambridgeshire. E/08/19 2019

Interpretation

2. (1) In this Order “the authority” means the East Cambridgeshire District Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall-

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this [19] day of [AUGUST 2019]

[Signed on behalf of the East Cambridgeshire District Council

.....
Authorised by the Council to sign in that behalf]

[CONFIRMATION OF ORDER

[This Order was confirmed by East Cambridgeshire District Council without modification on the [] day of []]
OR

[This Order was confirmed by East Cambridgeshire District Council, subject to the modifications indicated by [state how indicated], on the [] day of [insert month and year]]

.....
Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by East Cambridgeshire District Council on the [] day of [insert month and year]]

.....
Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

[This Order was varied by the East Cambridgeshire District Council on the [] day of [insert month and year] under the reference number [insert reference number of the variation order]]

.....
Authorised by the Council to sign in that behalf]

[REVOCATION OF ORDER

[This Order was revoked by the East Cambridgeshire District Council on the [] day of [insert month and year] under the reference number [insert reference number of the revocation order]]

.....
Authorised by the Council to sign in that behalf]

SCHEDULE

SPECIFICATION OF TREES

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Reference on map	Description	Situation
T1	Lime	Central, on the southern boundary of the copse bordering Hod Hall Lane.
T2	Oak	South-eastern corner of the copse bordering Hod Hall Lane.
T3 <i>Platanus 9/10/19</i>	Oak Field Maple	North-eastern corner of the copse bordering Hod Hall Lane.
T4	Oak	North-western corner of the copse bordering Hod Hall Lane.
T5	Oak	South-western corner of the copse bordering Hod Hall Lane.

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
	NONE	

Groups of trees (within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	NONE	

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
	NONE	



East Cambridgeshire
District Council

Town and Country Planning Act 1990
Town and Country Planning
(Tree Preservation) (England)
Regulations 2012

**TREE PRESERVATION
ORDER**
No. E/08/19

Land off Hod Hall Lane, east
of Metcalfe Way, Haddenham,
Cambs

- T1 - Lime
- T2 - Oak
- T3 - Oak Field Maple
- T4 - Oak
- T5 - Oak

R. Saunt 9/10/19

PLANNING SERVICE

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE
R. Saunt, Planning Manager

The tree locations are indicative and
may not reflect the exact locations

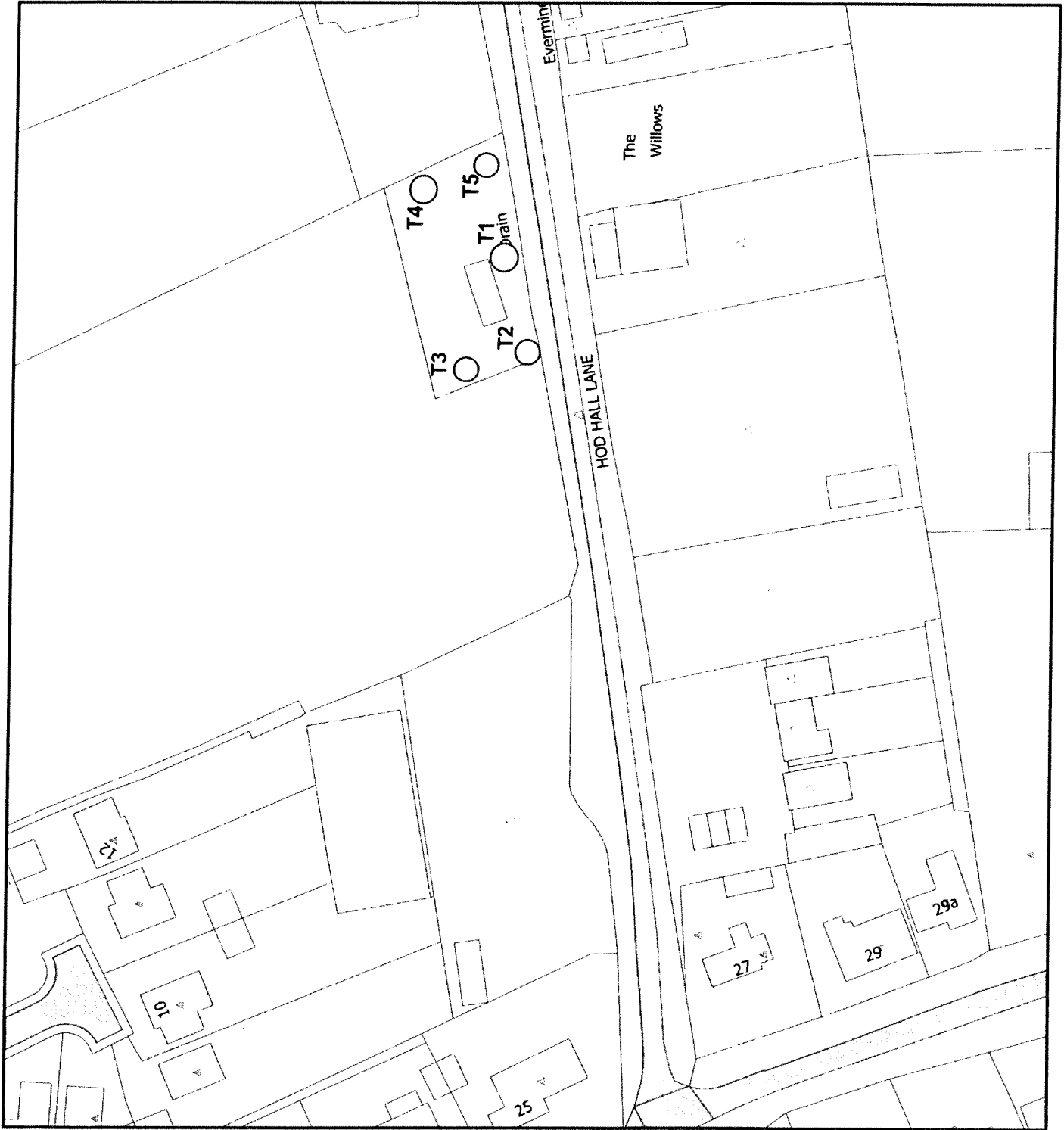
19 AUGUST 2019

R. Saunt



Date: 14/08/2019
Scale: 1:968

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Amended 09th October 2019

IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Parish of Haddenham in the County of Cambridgeshire
Tree Preservation Order at land off Hod Hall Lane, east of Metcalfe Way, Haddenham.
TPO No. – E/08/19

THIS IS A FORMAL NOTICE to let you know that on **19th August 2019** the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. The Order has been made because the Senior Trees Officer has been consulted regarding the proposed planning application reference 18/01041/OUM for a residential development at land east of Metcalfe Way, Haddenham. The Lime tree, 1 Field Maple tree and 3 Oak trees to be protected are considered to be healthy specimens of significant public amenity, contributing to the biodiversity and green infrastructure of the local area. The making of the preservation order will ensure that these trees are fully considered in relation to any proposed development of this site.

RS
9/10/19

It is therefore considered justified to afford the tree the protection of a Tree Preservation Order.

Briefly, the effect of the Order, is to make it an offence (subject to certain exceptions) to cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, up-rooting, wilful damage or wilful destruction of any trees specified in the Order, without the consent of the District Council.

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If in the meantime, you would like to speak to someone about the Tree Preservation Order please telephone Cathy White, Senior Trees Officer on 01353 616336. I will write further to advise you of the Council's decision in respect of confirmation of the Order in due course.

DATED: 19th August 2019

SIGNED: 
Planning Manager
on behalf of East Cambridgeshire District Council

Enc.

Please see Regulation 6 overleaf Regarding the Submission of objections & representations

COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Objections and representations

6(1) Subject to paragraph (2), objections and representations-

(a) shall be made in writing and -

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

b) shall specify the particular trees, group of trees or woodland (as the case may be) in respect of which such objections and representations are made; and

c) in the case of an objection, shall state the reasons for the objection.

6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

TREE PRESERVATION ORDER ASSESSMENT SHEET

Location (address, and detailed location; attach sketch plan):
Land off Hod Hall Lane, east of Metcalfe Way, Haddenham.

Date of inspection: 04/06/2019

Tree(s) assessed by: Cathy White – Senior Trees Officer

DESCRIPTION OF TREE(S) – location and setting, species
One mature Lime tree and 4 semi-mature Oak trees planted within a copse on the southeast corner of the field east of Metcalfe Way and bordering Hod Hall Lane.

CRITERION [see guidance notes]	ASSESSMENT
AMENITY VALUE	
Visibility from a public place	Clearly visible to the public from Hod Hall Lane and from eastern edge of Metcalfe Way.
Individual Impact (i) size, form (inc health/condition) (ii) intrinsic beauty and/or contribution to the landscape (inc estimated life-expectancy and appropriateness to setting of the species) (iii) scarcity (iv) future amenity potential (v) distance from built structures and public highway, and impact the growth of a tree may have on these (vi) special or other factors	Lime is mature and the 4 Oaks are semi-mature, and all in good health. They form a small copse and contribute to the landscape of this local area off Hod Hall Lane. The Oaks have a long life expectancy and the Lime certainly has 40+ years life expectancy. Oaks are not over prevalent in this part of the East Cambs District. Good The Lime is close to an old out building set in the small copse
Collective impact (for a group of trees or a woodland)	The copse as a feature compliments the landscape in this area, and adds to the character of the lane.

Wider Impact (i) significance in local setting (ii) suitability (iii) impact having regard to presence of other trees	Visually makes a noticeable contribution. Lime and Oak trees are suitable species for this location. The mature Lime has impact as being a feature tree in the lane with the Poplars further up and smaller hedgerow trees along the lane.
EXPEDIENCY	
Evidence for risk of the tree being cut down or pruned	The copse stands in the southeast corner of a site that is subject of a planning application 18/01041/OUM to be developed for housing, and the plan is to use this part of the site for an attenuation pond which will require the removal of these trees.
Would felling/pruning have a significant impact on the amenity of the area?	Yes, these trees are worth keeping as feature landscape trees.
Is the risk immediate?	Yes.

SUMMARY ASSESSMENT – APPROPRIATENESS OF IMPOSING A TPO

Serving the TPO will allow an opportunity to influence and hopefully get the developers to re-consider the layout of the proposed housing development, to allow the retention of these trees in the local landscape.

**TREE PRESERVATION ORDER ASSESSMENT SHEET
GUIDANCE NOTES**

CRITERION	GUIDANCE
AMENITY VALUE	
<p>Visibility from a public place</p> <p>Individual Impact</p> <p>(i) size, form</p> <p>(ii) intrinsic beauty and/or contribution to the landscape</p> <p>(iii) scarcity</p> <p>(iv) future amenity potential</p> <p>(v) special or other factors</p> <p>Collective impact (for a group of trees or a woodland)</p> <p>Wider Impact</p> <p>(i) significance in local setting</p> <p>(ii) suitability</p> <p>(iii) impact having regard to presence of other trees</p>	<p>The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.</p> <p>LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account which alone would not be sufficient to warrant a TPO. In the Secretary of State's view, it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.</p> <p>LPAs should be able to explain to landowners why their trees or woodlands have been protected by a TPO. They are advised to develop ways of assessing the 'amenity value' of trees in a structured and consistent way, taking into account the following key criteria:</p> <p>(1) visibility: the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances;</p> <p>(2) individual impact: the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The LPA should also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area. As noted in paragraph 3.2 above, in relation to a group of trees or woodland, an assessment should be made of its collective impact;</p> <p>(3) wider impact: the significance of the trees in their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.</p>
EXPEDIENCY	
<p>Evidence for risk of the tree being cut down or pruned</p> <p>Would felling/pruning have a significant impact on the amenity of the area?</p> <p>Is the risk immediate?</p>	<p>Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO. For example, it is unlikely to be expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management.</p> <p>It may be expedient to make a TPO if the LPA believe there is a risk of the tree being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate. In some cases the LPA may believe that certain trees are at risk generally from development pressures. The LPA may have some other reason to believe that trees are at risk; changes in property ownership and intentions to fell trees are not always known in advance, and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient.</p>



**East Cambridgeshire
District Council**

Town and Country Planning Act 1990
Town and Country Planning
(Tree Preservation) (England)
Regulations 2012

TREE PRESERVATION

ORDER

No. E/08/19

Land off Hod Hall Lane, east
of Metcalfe Way, Haddenham,
Cambs

- T1 - Lime
- T2 - Oak
- T3 - ~~Oak~~ Field Maple
- T4 - Oak
- T5 - Oak

PLANNING SERVICE

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE
R. Saunt, Planning Manager

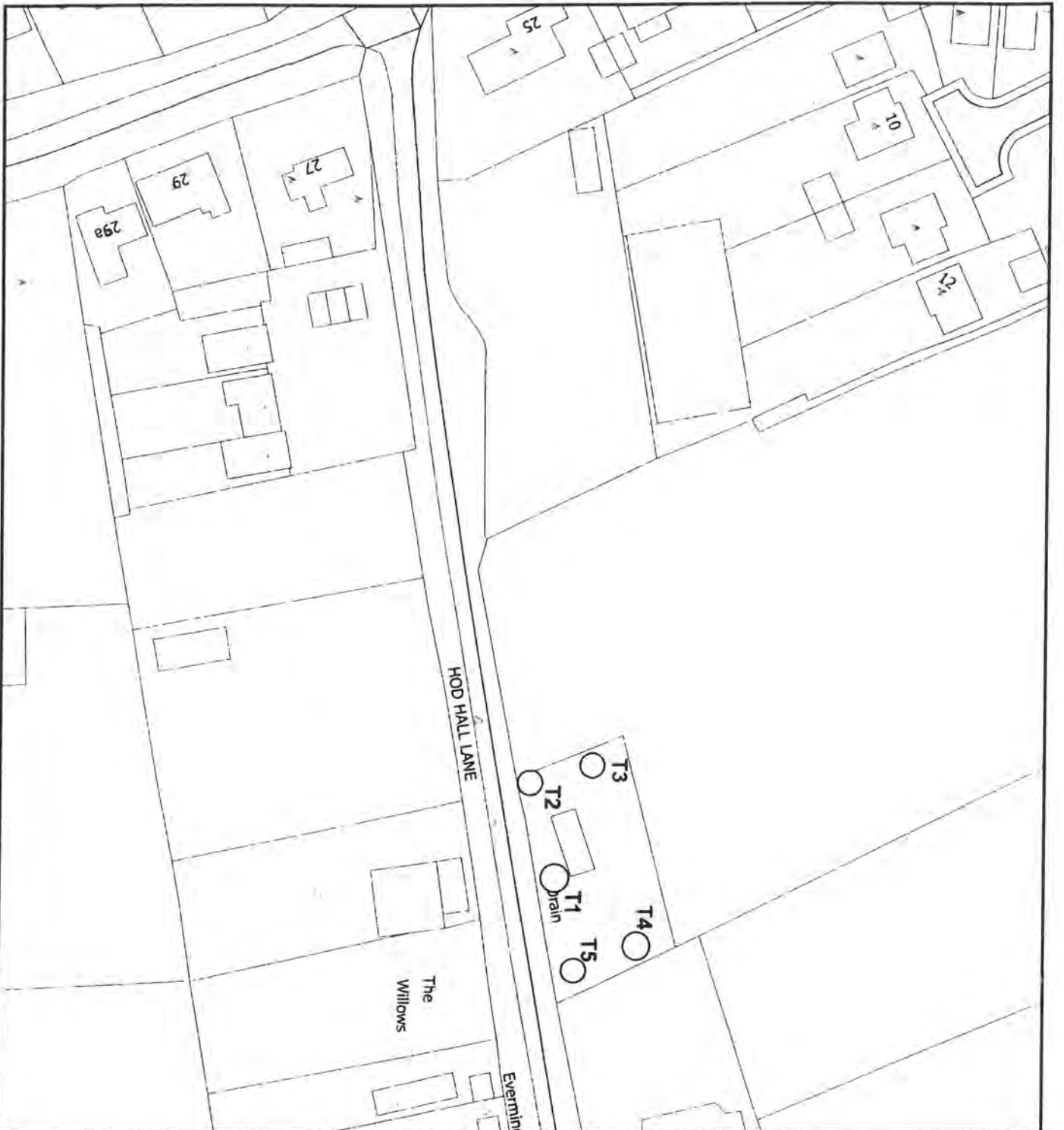
The tree locations are indicative and
may not reflect the exact locations
19 AUGUST 2019

[Signature]

Date: 14/08/2019
Scale: 1:968



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MAIN CASE

Reference No: 18/01435/OUM

Proposal: Proposal for up to 41 new homes to include 12 new affordable dwellings, 250sqm commercial units (Class B1a office, Class D1 community uses), accessible bungalows, over 55's bungalows and public open spaces with public footpaths/cycle ways

Site Address: Site East Of Clare House Stables Stetchworth Road
Dullingham Suffolk

Applicant: White Crown Stables Limited

Case Officer: Andrew Phillips, Planning Team Leader

Parish: Dullingham

Ward: Woodditton

Ward Councillor/s: Alan Sharp
Amy Starkey

Date Received: 12 October 2018 **Expiry Date:** 10 January 2020

[U101]

1.0 **RECOMMENDATION**

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

1. Approved Plans
2. Reserved Matters Details
3. Timeframe
4. Ecology Mitigation and Enhancement
5. Construction Environmental Management Plan (CEMP)
6. Tree Protection Measures
7. Surface Water Drainage
8. Highways Built to Adoptable Standards
9. Highway Drainage
10. Highway Maintenance
11. Vehicular/Pedestrian Construction
12. Travel Plan
13. Archaeological Investigation
14. Fire Hydrants

- 15. Contamination Risk Assessment
- 16. Unexpected Contamination
- 17. B1/D1 Use Class
- 18. B1/D1 Times of Use
- 19. Heritage Statements per Reserved Matters
- 20. Broadband
- 21. Foul Water
- 22. Water Management during Construction
- 23. Energy Efficiency/Renewable Energy
- 24. Over 55's Bungalows
- 25. Construction/Delivery Times
- 26. Sprinkler System

2.0 SUMMARY OF APPLICATION

- 2.1 This application was considered at the 7 August 2019 Planning Committee and granted delegated approval subject to the recommended conditions and the completion of a S106 Agreement. Since Members made their decision the Fire Service and Lead Local Flood Authority have submitted additional comments following being approached by Dullingham Parish Council in relation to flood risks and emergency planning issues. This report, therefore, is an update from what members considered at the previous committee (the previous committee report and minutes are contained as Appendix 2 and 3).
- 2.2 Dullingham Parish Council also do not consider the Sequential Test was fully covered in the previous committee report, so additional detail in respect of this has been provided in this report.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1 No additional history

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside of the village framework on a slope that rises to the north. The site is currently used as paddock/grazing land. To the south of the site is the public highway and a drainage ditch. Residential cul-de-sacs are located to the southeast and the existing stables are located to the west of the site. A primary school (Kettlefields) is located to the northeast and a Grade I Listed Church (St Marys) is located to the south.

4.2 A Public Right of Way (PRoW) is located through the middle of the site running in a north/south direction and connects to a footpath on the higher part of the slope that runs past the primary school.

4.3 The site measures 5.6 hectares/13.8 acres in size.

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. It should be noted that these are only the consultations received since the previous committee (Appendix 2).

Dullingham Parish Council – 10 October 2019

“The comments from the Fire Service only serve to increase our concerns regarding the unsuitability of this site for development.

This letter is unequivocal that were the Fire Service required to attend during a period of flooding then at best they would be delayed in arriving. The use of sprinkler systems on this scale is, I believe, unheard of for this type of development and is purely a means of buying some time if the need is fire fighting - it is not a solution to the real problem.

We trust that in the light of this recent information and given the obvious risk to life indicated in this letter the District Council will have changed their position and will be making the only acceptable recommendation that this application be refused.”

Fire Service - 7 October 2019

States:

“The Stetchworth Road from which the development would be accessed is within flood zone 3, as is the first section of the proposed site access road. EA predictions presented within the ‘7 Engineering Consultancy’ Surface Water Drainage Strategy document indicate potential flood risk depths of 300mm with some areas up to 900mm. Guidance in the Environment Agency Sept 2019 ‘Flood Risk emergency plans for new development’ suggest that vehicular routes for emergency service vehicles should not exceed 30cm. 250-300mm is the water depth at which fire appliances are susceptible to damage. Therefore there is a risk that emergency vehicle access to the development could be delayed during a period of flooding. Flooding to a depth of 900mm would incur significant delays and would necessitate vehicular access using an alternative route being employed, avoiding the lower region of Stetchworth Road.

To mitigate this risk and in order to afford greater protection to life, and/or property, it is recommended that a domestic automatic sprinkler system is installed in accordance with BS 9251: 2014 or equivalent acceptable standard. This would mitigate the delay in attendance caused by accessing through flood water.

The properties are proposed in floodzone 1 and there is footpath access leading to safer and higher ground. From a fire service perspective this does not warrant an emergency plan from a flooding perspective.

If a planning condition has been imposed with regards to emergency water supplies for fire-fighting purposes, then you should consult with the Water and Planning Manager for Cambridgeshire Fire & Rescue Service.”

Lead Local Flood Authority - 3 September 2019

“The LLFA's remit is surface water management. While we do not usually comment on emergency planning issues this access/egress issue does appear to relate to surface water flooding. Our consideration of whether to place a holding objection on this application was based on the written response from the fire service's emergency planner with whom we regularly work on other matters. We however believe that the issue can be adequately dealt with via the use of a suitably worded condition on any planning approval for the site, instead of placing an objection. The condition should be signed off in due course by the local planning authority with input from the Fire Service and ourselves.

There is guidance for planners on developing emergency plans which is due to be published soon by the Environment Agency and ADEPT. This will help the developer to prepare the emergency plan and the LPA to approve it.”

18 October 2019

States:

“ As you know, we were made aware of a response from the fire service as they had concerns regarding emergency access during a flood event. We know that meetings have subsequently been held with the Fire Service and the LPA and it was agreed between the parties that if mitigation such as fire sprinklers are incorporated into the new dwellings, the fire service would not maintain their objection. We understand that the applicant is willing to install sprinklers. On the basis that:

- a) The fire service has now removed its objection and has advised on behalf of the ambulance service that ambulance staff could reach the site on foot
- b) Dry pedestrian access can be provided via footpaths to the north of the site
- c) The majority of flooding along Stetchworth Road is shown on the Environment Agency maps to be below 300 mm
- d) The proposed development will restrict surface water discharging to the watercourse to a lower rate compared to the undeveloped site

We do not feel there are sufficient grounds for an objection.

We acknowledge that photos have been provided that show extensive flooding of Stetchworth Road; however no information about the conditions that caused this flooding have been provided. Therefore we are unable to say whether such flood events have a high or low risk of occurring.

Surface water from the proposed development can be managed through the use of partial infiltration through permeable paving on the private access roads, drives and parking areas. Any surface water above the 90m contour will enter a pond on site to add an extra stage of treatment and slow the flow before entering a swale system which conveys surface water to the outfall in the watercourse to the south of the site at a rate of 6.4l/s, equivalent to the greenfield QBar rate.

A suitably worded condition (such as the one suggested below) should be attached to any planning permission for the site.

Condition

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 Surface Water Drainage Strategy prepared by 7 Engineering Consultancy Ltd (ref: 07128 Rev 00) dated November 2018 and shall also include:

- a) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;*
- b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;*
- c) Full details of the proposed attenuation and flow control measures;*
- d) Site Investigation and test results to confirm infiltration rates;*
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood on or off site;*
- f) Full details of the maintenance/adoption of the surface water drainage system;*
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water*

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

Local Highways Authority – 21 October 2019

States: “I note that the Lead Local Flood Authority has been consulted and have no further recommendations beyond those previously made.”

Design Out Crime Officer (Police) – 17 October 2019

States that they have no additional comments and have no further comment to make in regards to this application.

Ambulance Service – Did not provide comments during the consultation period.

Environment Agency - Did not provide comments during the consultation period.

Previous comments from the Emergency Services which were before members and officers when the item was discussed at planning committee on the 7 August 2019 were:

Design Out Crime Officers (Police) –The site is at a low risk of crime but recommends as the scheme progresses that lighting, boundary treatment and other security measures are provided.

It will support the developer in discussing Secured by Design.

(7 February 2019) No further comments.

Cambridgeshire Fire and Rescue Service – (7 January 2019) Recommends fire hydrants condition.

NHS England - No Comments Received

5.2 Neighbours (since previous committee), the full comments can be found on our website have raised the following concerns–

- Impact of the proposal on the conservation area.
- Highway safety/capacity.
- Flooding.
- Emergency access to the site in a flood event.
- Potential future development.
- Have the views of Ambulance Service been sought?
- Unsustainable growth to the village.
- Impact on the character of the area.
- Impact upon Historic Environment.
- Impact upon the horse racing industry.
- Impact on biodiversity.
- Parked cars blocking the highway.
- Footpaths (PRoWs) would be usable in wet weather.
- Lack of public transport.

5.3 At the time of writing there have been 228 objection letters to this proposal, though many of these are from the same residents. It should be noted that the consultation sent out following the previous committee was in regards to the potential of a flood event and the delay in reaching the site by the Fire Service. The other material

considerations have been duly considered and found to be acceptable at the previous planning committee.

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
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 1	Location of retail and town centre uses
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide
Contamination
Developer Contributions
Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 6 Building a strong competitive economy
- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 11 Making effective use of land
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

Flood risk and coastal change

6.5 Other Guidance

Flood risk emergency plans for new development September 2019 by Environment Agency

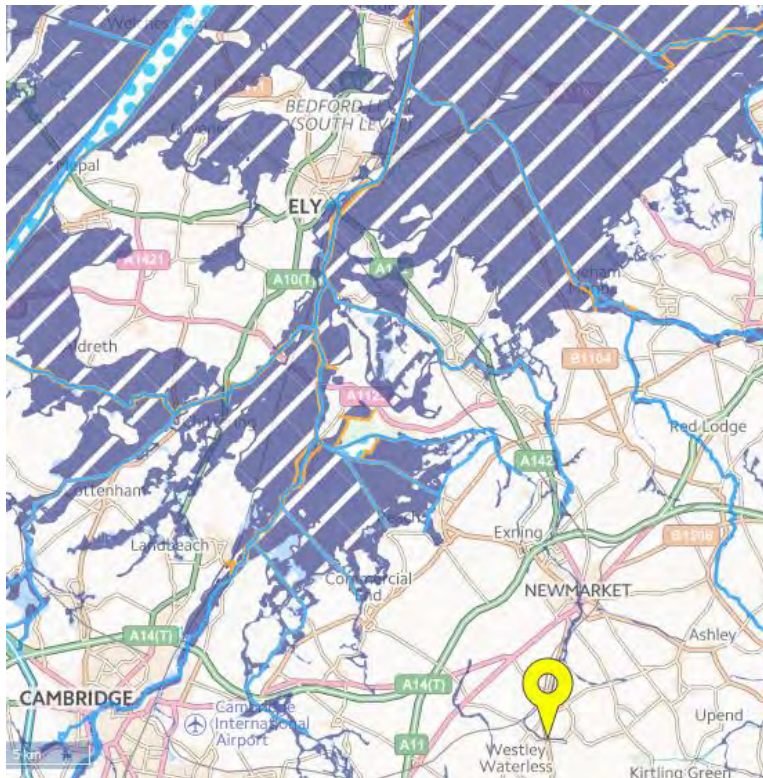
7.0 PLANNING COMMENTS

7.1 This report will only deal with matters relating to emergency access, as well as providing more detail on flood risk. All other material considerations were dealt with as part of the previous report (attached as Appendix 2) and fully discussed at the previous committee (minutes attached as Appendix 3). Following this items previous consideration at Planning Committee, Dullingham Parish Council contacted the Fire Service and Lead Local Flood Authority. This is the main reason additional comments have been received from both of these consultees, as both provided comments previously and had access to the relevant flood and drainage information provided by the developer.

7.2 Sequential Test

7.3 It is of fundamental importance to provide residential development in areas of lower risk of flooding (Flood Zone 1) where possible, as primarily defined within chapter 14 of the NPPF. Within the north of the district it means locating development on the fen islands for instance; Ely, south side of Littleport, Witchford, Haddenham, Little Downham and Sutton. In the south of the district (divided by the defended flood zone, see para 7.4) this means placing development for instance in Soham, Isleham, Chippenham and the general area surrounding Newmarket. The map below demonstrates this, the white areas are flood zone 1, while the blue area are at risk of flooding (some of which are protected by flood defences). It should be noted that while these settlements are on higher ground and therefore from a flooding perspective are where development should be located; other constraints may still weigh against providing housing in these locations.

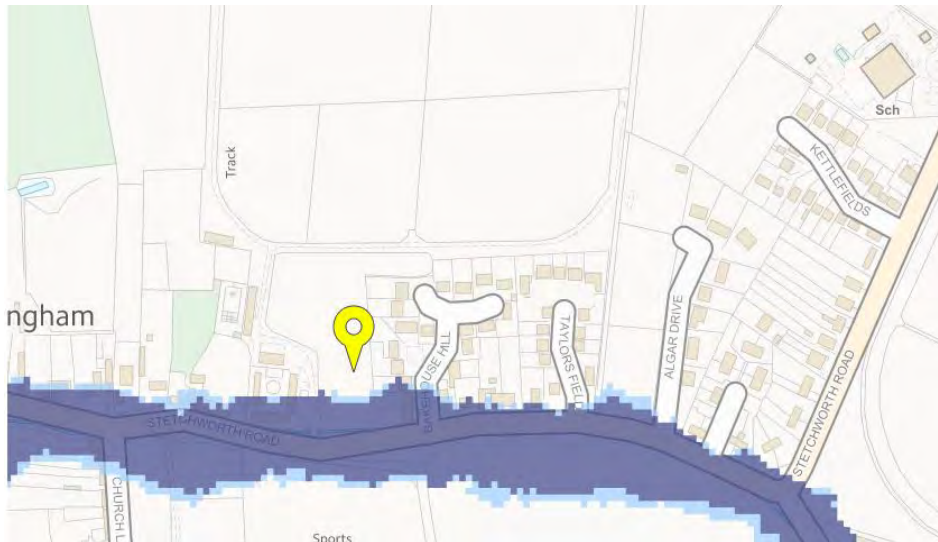
7.4



- 7.5 Significant weight is also given to the NPPF paragraph 163 that states:
- “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”
- 7.6 The vast majority of the site is within Flood Zone 1 and the developer has demonstrated that it can keep the proposed housing (classified as More Vulnerable, under the Flood Risk Vulnerability Classification) outside of Flood Zones 2 and 3, which are located at the entranceway to the site. The proposal is considered to be appropriate in this location, as it both meets the requirement to place residential development in areas at low risk of flooding in the district and is considered to have met the onsite sequential test by placing the more vulnerable users on higher ground.
- 7.7 With all the residential development (indicatively shown) being in Flood Zone 1 and with Public Rights of Way (PRoW) also within Flood Zone 1 and leading further

uphill, there is no fundamental concern that people would become stranded or at risk of flood waters alone in a 1 in 100 flood event. Therefore, all proposed residents could evacuate the site on mass if needed in an emergency during a flood event.

- 7.8 The proposal has demonstrated that a suitable sustainable drainage system (SuDS) is possible (greenfield run off rate plus climate change) and will be controlled by a suitable condition.
- 7.9 The vehicular entrance is defined as essential infrastructure in the flood risk vulnerability classification and is allowed in Flood Zone 3. Therefore, in all but a 1 in 100 year or worse flood event the vehicular access onto Stetchworth Road should remain fully operational.
- 7.10 The proposed access is considered to be acceptable in regard to the exception test as there is a significant lack of housing sites of this size (or larger) within this part of the district; nor has any body brought forward a plan to promote residential growth in alternative available sites. With the entire length of this part of Stetchworth Road being within Flood Zones 2 and 3 it would not be possible to create a second vehicular access without substantially increasing the size of the development or alternatively not providing the much needed housing for the district. Changing the access would mean significant changes to the public highway that would very likely increase the risk of flooding in the surrounding area, which would likely worsen the flooding issue not improve it. In addition by allowing the development the risk of surface water flooding will be reduced in the short term (greenfield run off rate plus climate change requirement). Finally the proposal will provide a mixed use development, provide a gold standard biodiversity improvement and provide much needed homes within the local area. The potential benefits of the proposal significantly outweigh the potential risk of Stetchworth Road flooding.
- 7.11 The Fire Service has stated an emergency plan is not required and on this basis an emergency evacuation plan is not required. It is considered that the development as a whole meets with the requirements of paragraph 163 of the NPPF. The issue of access of emergency vehicles is covered below.
- 7.12 The proposal is considered to comply with policy ENV8 and the NPPF, as the site has passed both the sequential and exception test. It will also not increase surface water flooding elsewhere in the long term.
- 7.13 Safe Access to the site in a Flood Event
- 7.14



- 7.15 Stetchworth Road is located within Flood Zones 2 and 3, which has a 1 in 100 chance of flooding in any given year. Photo evidence during consultation and also provided to the Lead Local Flood Authority shows that Stetchworth Road does flood. However, the fact that this road is liable to a 1 in 100 chance of flooding in any given year has never been doubted.
- 7.16 Since the previous committee the Fire Service has expressed concern that it would be delayed in getting to a fire in a flood event. The Fire Service has specifically expressed the need to provide each proposed dwelling with a sprinkler system to cover the potential delay as its fire engine(s) navigate flood waters. It should be noted that the Fire Service has informed Planning Officers that its preference is that any new dwelling should have a sprinkler system in order to minimise risk to life, though such a blanket requirement would be unreasonable in the planning system and should be sought to be placed in building regulations. However, in this case there is a very specific reason as to why sprinklers are required and on this basis it is considered reasonable to add a condition to ensure their provision.
- 7.17 It is noted that the vast majority of residents in Dullingham would have the same level of delay in the Fire Service arriving in an emergency event and are unlikely to have a sprinkler system. While the residents for instance of the cul-de-sacs of Bakehouse Hill, Taylors Field, Algar Drive, Spooners Close and Kettlefields when purchasing their property would reasonably understand the village location and distance from a GP, hospital, police station or fire station it is less likely they would understand the risk of nearby roads in areas of flooding at the same time as a house fire.
- 7.18 While this is an existing problem and not a matter for this proposal; the Case Officer has spoken to both the Lead Local Flood Authority and the Local Highways Authority to express the need for the road network to be better protected in times of heavy rain. However, as previously mentioned, it is not for the Local Planning Authority to overcome an existing situation and its future input on the existing situation will be limited. The Community Infrastructure Levy that Dullingham Parish Council would receive from this development could be spent on improving flood management infrastructure in the local area.

- 7.19 The ambulance service, as well as the Environment Agency, has not commented during the consultation period, if either provides comments prior to planning committee these will be circulated. While the Fire Service is known to have to carry heavy equipment in order to tackle a house fire, it is expected that paramedics should be able to provide first/emergency aid while carrying relatively light gear across the Public Rights of Way (PRoW) as the ambulance made its way through flood waters. It is noted that with areas of open space (primarily the paddocks) around the development, an air ambulance should be able to land close to the development.
- 7.20 The requested condition from the Lead Local Flood Authority still forms recommended condition 7 and was covered in the previous committee decision. The proposal would still lead to a short term improvement in drainage and in the long term lead to a neutral impact (greenfield run off rate plus climate change allowance).
- 7.21 The proposal complies with policies ENV8, the Cambridgeshire Flood and Water SPD and the NPPF.
- 7.22 Planning Balance
- 7.23 The need for an additional condition to ensure that all the dwellings have sprinkler systems does not weigh against the application, as it would duly mitigate against any potential delay of the fire service arriving with sufficient equipment to fight a house fire if flooding was to occur at the same time.
- 7.24 It is also noted that the development would lead to a short term improvement in water management within the local area, due to the need for all developments to meet greenfield run off rate plus climate change allowance. It is hoped that this time of reduced risk of flooding (due to climate change allowance as part of the drainage scheme) in the local area is used wisely and that wider drainage improvements are sought outside of any individual planning application in order to provide a holistic improvement to highway flooding in Dullingham.
- 7.25 Whilst the compliance of the scheme with the sequential test has been explained into in more detail this does not change the previous recommendation that the application is acceptable in that regard.

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:

- Fire Service have recommended placing a condition and are not objecting.
- No objection from the Lead Local Flood Authority.

9.0 APPENDICES

9.1 Appendix 1 – Recommended conditions

9.2 Appendix 2 – Previous committee report

9.3 Appendix 3 – Previous committee minutes

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01435/OUM	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Planning Team Leader 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 - 18/01435/OUM Conditions

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

Plan Reference	Version No	Date Received
1888/005	A	29th January 2019
1888/004	B	23rd January 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 The first reserved matters application shall include the mitigation and enhancement measures contained within Biodiversity Strategy Report (8 February 2019) within the layout and landscaping of the site. The developer will also need to demonstrate how the landscaping measures in drawing numbers 001 - 004 (dated February 2019) have been duly considered in the proposed layout/landscape. Development shall be carried out in accordance with the approved details.
- 4 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 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 protection of biodiversity (in line with Biodiversity Strategy Report 8 February 2019) 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.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers to protect biodiversity and to ensure safe vehicular movements, in accordance with policies ENV1, ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 6 The tree protection measures as shown in appendix 5 and 6 of the Arboricultural Impact Assessment (9 October 2018) shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered
- 6 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.
- 7 Prior to or with the first reserved matters a surface water drainage scheme for the site, based on sustainable drainage principles, shall be 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 Surface Water Drainage Strategy prepared by 7 Engineering Consultancy Ltd (Rev 01 February 2019) dated November 2018 and shall also include:

- a) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- c) Full details of the proposed attenuation and flow control measures;
- d) Site Investigation and test results to confirm infiltration rates;
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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

- 7 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 8 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.

- 8 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015.
- 9 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 9 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 10 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).
- 10 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 The vehicular access and footpaths (as shown on drawing number 1888/04 Rev B) shall be constructed prior to first occupation.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to the first occupation of the development a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the programme set out within the approved Travel Plan or any revisions to the Travel Plan that are first agreed in writing by the Local Planning Authority.
- 12 Reason: In the interests of sustainable movement in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015
- 13 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 13 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 14 No above ground construction 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 or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 14 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 15 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

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

- 15 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 16 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely

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

- 17 The amount of B1(a) and/or D1 Use space shall not exceed 250 square metres. The first reserved matters application shall at least identify the land that these buildings and associated parking shall be sited upon either in a master plan or as part of the reserved matters details sought for approval.
- 17 Reason: The application has been assessed and determined on this basis; as well as to ensure the proposal complies with policies ENV2, EMP3 and COM4 of the East Cambridgeshire Local Plan 2015.
- 18 The B1(a) and D1 uses hereby permitted shall take place only between the hours of 08:00 - 23:00 Friday to Saturday and 08:00 - 22:00 on Sundays - Thursdays, Bank Holidays and Public Holidays.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 Each reserved matters shall be supported by a Heritage Statement that provides a professional analysis of the proposal on the setting of the Grade I Listed Church (St Marys) from the Public Rights of Way that run through and to the north of the site.
- 19 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the Listed building and its setting in accordance with policy ENV12 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to first occupation of any given phase (defined by reserved matters submissions) a scheme of providing broadband shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be fully implemented prior to first occupation in accordance with an agreed in writing phasing programme with the Local Planning Authority.
- 20 Reason: In order to provide superfast broadband to the future occupants (including working from home) in accordance with paragraph 112 of the National Planning Policy Framework and Growth 3 of the East Cambridgeshire Local Plan 2015.
- 21 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 21 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 22 No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction (including timeframe of implementation) is submitted to and agreed in writing by the local planning authority. The construction surface water

management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

- 22 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 23 Prior to or as part of the first reserved matters application, 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.
- 23 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 24 As part of the first reserved matters application the provision and details of the over 55's bungalows (4 - 6 dwellings) shall be provided. The development shall be completed in accordance with the approved details.
- 24 Reason: The application has been submitted and determined on this basis, as well as to ensure the proposal complies with HOU 1 of the East Cambridgeshire Local Plan 2015.
- 25 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 25 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 26 No above ground construction works shall commence until a scheme for domestic automatic sprinkler system (installed in accordance with BS 9251: 2014 or equivalent acceptable standard) is submitted to and agreed in writing with the Local Planning Authority. No dwelling shall be occupied until the agreed sprinkler system has been installed and made operational. The sprinkler system shall remain and be maintained in perpetuity.
- 26 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.

MAIN CASE

Reference No:	18/01435/OUM		
Proposal:	Proposal for up to 41 new homes to include 12 new affordable dwellings, 250sqm commercial units (Class B1a office, Class D1 community uses), accessible bungalows, over 55's bungalows and public open spaces with public footpaths/cycle ways.		
Site Address:	Site East Of Clare House Stables Stetchworth Road Dullingham Suffolk		
Applicant:	White Crown Stables Limited		
Case Officer:	Andrew Phillips, Planning Team Leader		
Parish:	Dullingham		
Ward:	Dullingham Villages Ward Councillor/s: Councillors: Alan Sharp and Amy Starkey		
Date Received:	12 October 2018	Expiry Date:	5 September 2019
			[U45]

1.0 RECOMMENDATION

- 1.1 Members are recommended to approve the application subject to the signing of the S106 Agreement and the following draft conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.
1. Approved Plans
 2. Reserved Matters Details
 3. Timeframe
 4. Ecology Mitigation and Enhancement
 5. Construction Environmental Management Plan (CEMP)
 6. Tree Protection Measures
 7. Surface Water Drainage
 8. Highways Built to Adoptable Standards
 9. Highway Drainage
 10. Highway Maintenance
 11. Vehicular/Pedestrian Construction
 12. Travel Plan
 13. Archaeological Investigation

- 14. Fire Hydrants
- 15. Contamination Risk Assessment
- 16. Unexpected Contamination
- 17. B1/D1 Use Class
- 18. B1/D1 Times of Use
- 19. Heritage Statements per Reserved Matters
- 20. Broadband
- 21. Foul Water
- 22. Water Management during Construction
- 23. Energy Efficiency/Renewable Energy
- 24. Over 55 Bungalows
- 25. Construction/Delivery Times

2.0 SUMMARY OF APPLICATION

- 2.1 The application has been called in to Committee by the local District Councillor (Cllr Chris Morris) prior to the District Council Elections 2019, due to the concerns raised by the Parish Council.
- 2.2 The proposal is an outline application for up to 41 dwellings, with public open space and associated infrastructure; in addition to this the developer is proposing a B1 and D1 use space. The only detail that is seeking to be agreed at this stage is the access onto Stetchworth Road; all other matters are reserved. The application has been amended several times and additional information provided to overcome concerns in regards to:
- Impact upon biodiversity.
 - Loss of paddock land.
 - Highway Safety
 - Drainage
 - Impact upon heritage assets
 - Impact upon the visual character of the area
- 2.3 A draft S106 has been provided and submitted, though this is still being negotiated between the Local Planning Authority and the developer. The negotiation of this S106 is without prejudice to the final decision of the Local Planning Authority. The S106 will need to secure affordable housing, open space/drainage (including maintenance) and education.
- 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 No history on site.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside of the village framework on a slope that rises to the north. The site is currently used as paddock/grazing land. To the south of the site is the public highway and a drainage ditch. Residential cul-de-sacs are located to the southeast and the existing stables are located to the west of the site. A primary school (Kettlefields) is located to the northeast and a Grade I Listed Church (St Marys) is located to the south.
- 4.2 Public Right of Way (PRoW) is located through the middle of the site running in a north/south direction and connects to a footpath on the higher part of the slope that runs past the primary school.
- 4.3 The site measures 5.6 hectares/13.8 acres in size.

5.0 RESPONSES FROM CONSULTEES

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

Dullingham Parish Council – (5 November 2018) It states it has concerns and the application should be amended, conditions applied and/or outright refused.

Provides a detailed document that should be read in full by members.

The Summary of its comments states:

“The development would dominate the rest of the village both in scale and visual impact. It represents an increase of approximately 15% in a rural village with no beneficial gains and is contrary to the current and emerging local plan.

The indicative site layout makes clear that this is part of an intended scheme to develop a much greater area with the destruction of a stud farm or training establishment that the owners have chosen not to promote.

The proposal would have an adverse impact on the character and setting of the village and would in effect destroy what is recognised as a village that has retained its distinctiveness mainly as a result of planning controls that have proved their worth.

The parish council and residents are not opposed to suitable development in scale or location as has been demonstrated by support for appropriate applications. There are a number of brownfield sites and some areas where infill is possible but this application meets none of these tests.

For reference we have included a review of the local plans as they stand and this clearly reflects local opinion that this scheme and its potential expansion bring no benefit and would destroy a village and community that continues to grow slowly and in a sustainable manner and that is why this application should be REFUSED.”

(17 December 2018) The Parish Council seeks outright refusal to this application based on its previous concerns and makes the following additional points.

The proposal would harm the village and community, as well as having a negative impact on the area as a whole.

Continues to state:

“The number of villages that have remained unspoiled by unnecessary and harmful development is rapidly reducing with the associated negative impact on the rural and open nature of the countryside”.

The Parish Council believes the site will not be affordable for normal rural income levels and housing will be used for commuters.

Does not believe the Flood Risk Assessment and Surface Water Strategy to be correct. Nearby streets have experienced surface water flooding.

Had a meeting with Anglian Water in January to discuss the foul water drainage. It is believed the sewer system is not built to accommodate the current village population.

(14 March 2019, Woods Hardwick Planning Consultant on behalf of the Parish) –

Makes the following points:

- States that the benefits of the proposal do not outweigh the harm.
- Proposal is not allocated or supported for housing under policy GROWTH 2 of the Adopted Local Plan.
- It would lead to a disproportionate increase (15%) in the size of the village.
- The facilities of the village are limited and the train station is one and a half miles away from the site and there are not regular services.
- Infrequent bus service to Newmarket and Cambridge.
- Does not comply with paragraph 103 of the NPPF, as site does not benefit from sustainable transport.
- Proposal does not provide sufficient affordable housing and does not provide a suitable housing mix in line with the Adopted Local Plan.
- The proposal would lead to the loss of stables that have not been proven to be unneeded and for this reason does not comply with policy EMP6 of the Adopted Local Plan.
- Site does not relate well to the existing development envelope and will appear as a contained estate.
- Will lead to a cramped form of development.
- Additional landscape needed.
- Proposed SuDS feature needs better consideration in order to ensure a good design.
- The withdrawn Local Plan showed an alternative development site. Now the site has been withdrawn, will make this proposal more isolated.
- Paragraph 98 in the NPPF seeks to preserve and enhance public rights of way and the proposal will adversely affected.
- Is in an areas of proven flood risk.
- Insufficient capacity in the foul water drainage system.
- Unacceptable impact on biodiversity.
- Unacceptable impact on rural narrow roads that go through the village.

(18 July 2019, Woods Hardwick Planning Consultant on behalf of the Parish)

States:

“The loss of existing equine development to other uses should therefore be accompanied by robust evidence to demonstrate that an existing site is no longer viable. The submitted information is not considered to sufficiently demonstrate the site is no longer viable for equine use, as such the proposal fails to comply with Policy EMP6 of the East Cambridgeshire Local Plan (ECLP) therefore it should be refused.”

The remainder of the letter provides detailed questioning of the developer’s Horse Racing Industry Impact Assessment June 2019 and can be read in full either on the Council’s website or in Appendix 2.

Cllr Morris – (19 December 2018) Seeks to call this application into Planning Committee on the reasons put forward by the Parish Council.

Cllr Starkey – (10 July 2019) States that they are aware of the concerns of the Newmarket Horsemen’s Group and the application of policy EMP6.

Is very concerned about this matter and believes it raises significant issues beyond just this application and seeks the application to be determined by Planning Committee.

Newmarket Town Council – (4 December 2018) No comments in either support or objection to this proposal.

The Wildlife Trust – (27 November 2018) States “I do not believe that it would be good practice to condition further surveys”.

The preliminary ecological appraisal identifies that the site has moderate potential to support great crested newts, reptiles, hazel dormouse and hedgehogs. The site also has a high potential for roosting birds. Continues by stating it is essential that the recommended surveys are undertaken prior to determination (at the right time of year) and if not possible, the application should be refused.

(6 December 2018) States:

“I have spoken to agb Environmental Limited, regarding their proposed approach to dealing with ecological matters in this case. While their proposal is unusual, it would be possible to take this approach if it delivered a “gold standard” approach to biodiversity net gain on this site that achieved both a net gain in habitats and avoided or fully mitigated any potential impacts on protected species that may be found on site.

The approach would require submission as part of the current application, of a detailed landscape and ecology strategy, including detailed plans showing which habitats will be created and where they will be located. The locations for the habitats and landscaping should be “set in stone”, and will provide the framework within which any built development could occur, and would likely require a

significant reduction in the net developable area compared with the current outline proposals.”

The Wildlife Trust Ecologist continues to explain in detail what the developer is required to do.

(15 February 2019) States he has reviewed the revised Biodiversity Strategy Report dated 8 February 2019 and the revised master plan Rev D. The proposal has the potential to lead to a net gain in biodiversity and provides sufficient space for any mitigation.

Recommends conditions to cover:

- Surveys to be undertaken at the right time of year.
- Biodiversity is protected as part of the Construction Environmental Management Plan.
- The suggested enhancement measures are put in place.
- All landscape should be protected for 25 years.
- The meadow and orchard are provided early on in the development.

Natural England – (30 October 2018) It has no comments to make on this application but this should not be taken that there are no impacts on the natural environment.

(28 November 2018) It states it has provided Standard Advice.

(6 February 2019) No comments to make on this application and standing advice should be considered. It directs people to consider the standing advice on: <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

Council's Tree Consultant– (22 November 2018) A Landscape Visual Impact Assessment (LVIA) is needed before this application can be determined. States the reason for this is:

“At the local level due to the site’s prominent situation, its rural character, its openness to the wider landscape and the presence of a much used public footpath along the edge of the site, the effect of the proposed development could be significantly adverse. The character of the site is distinctly pastoral in character and is representative of the surrounding landscape of gently rolling hills, an extension of the Chalklands running north from the Chiltern Hills. It forms part of the open countryside and offers expansive views of the wider landscape. The surrounding dwellings and small housing cul-de-sacs interspersed with boundary hedges and vegetation are not dominant in the landscape. The area’s elevated location with gently rising ground accessible from Public Rights of Way connective to the village. The footpath along the edge of the site, proceeding north from the Stetchworth Road, provides important recreational value and allows users to experience a degree of tranquillity when walking through the site. Following development footpath users would experience a profound change, as they would walk through a housing development rather than open countryside.

I object to the proposal as it adversely undermines the future and amenity value of the group of trees mixed conifer and deciduous group of trees (E/3/84).

Reasons

The belt of trees along the site frontage to Stetchworth Road is covered by a Tree Preservation Order. These trees contribute significantly to the character and appearance of the Stetchworth Road by being in a prominent position. Sufficient consideration has not been given to the constraints placed on the new access road by these protected trees. At least three prominent boundary trees will be removed to facilitate the construction of the new access and the retained trees adjacent to the access will be adversely affected due to loss of companion shelter.”

(10 December 2018) Notes amendment and states previous comments still apply.

Tree Officer - (14 February 2019) States that the soft landscaping scheme is well thought out with a good range of native species.

Seeks a condition in relation to tree protection in line with the Arboriculture Impact Assessment.

(21 March 2019) No additional comments.

Environment Agency – (31 October 2018) The Environment Agency (EA) objects to the granting of permission as the Flood Risk Assessment does not adequately assess the risk of flooding or comply with the National Planning Policy Framework.

(18 December 2018) Notes that the amendment has used a sequential approach for the illustrative site layout it considers that detailed modelling of the ordinary watercourse is not required in this case.

The EA is able to withdraw its objection, but the layout needs to be controlled to ensure the commercial units are put in the area at risk of flooding.

(26 February 2019) It has no objection to the illustrative layout, but seeks that the commercial units have a minimum ground level of 83.4mAOD, as indicated in flood risk document.

(19 March 2019) Recommends a revised condition to minimise flood risk.

(5 April 2019) Acknowledges reports of sewage capacity and supports Anglian Water’s request for a condition.

Lead Local Flood Authority – (8 November 2018) The Lead Local Flood Authority (LLFA) objects to this application as a site specific flood risk assessment and should include a surface water drainage strategy. The drainage scheme needs to meet the requirements of sustainable drainage system.

The LLFA provides additional details of what must be included in the surface water drainage system.

(9 January 2019) LLFA has reviewed the Flood Risk Assessment Dated 29 November 2018 and the Surface Water Drainage Scheme Dated November 2018 and has no objection in principle to this development.

LLFA recommends that a pre-commencement condition be added in regards to surface water drainage.

The developer is informed that the scheme should be modelled on a 40% climate change allowance.

(12 February 2019) From the evidence submitted it is evident that Stetchworth Road suffers from flooding from the watercourse that runs along the road. It now requests a holding objection, until further information can be provided. There may be need for work further downstream if the ditch requires clearance.

(27 February 2019) LLFA remains opposed to this proposal.

(20 March 2019) Response to consultation sent out on the 27 February 2019 and have reviewed documents:

- Flood Risk Assessment, agb Environmental Ltd, ref: P3182.2.3, Dated 29 November 2018
- Surface Water Drainage Strategy, 7 Engineering Consultancy Ltd, Ref; 07128 Rev 0, Dated November 2018
- LLFA Response, agb Environmental Ltd, Dated: 20 February 2019

Based on these documents the LLFA removes its objection.

It states: "The above documents demonstrate that surface water from the proposed development can be managed through the use of partial infiltration through permeable paving on the private access roads, drives and parking areas. Any surface water above the 90m contour will enter a pond on site to add an extra stage of treatment and slow the flow before entering a swale system which conveys surface water to the outfall in the watercourse to the south of the site at a rate of 6.4l/s, equivalent to the greenfield QBar rate."

LLFA recommends a pre-commencement condition.

Anglian Water – (14 November 2018) States that it has assets in the local area and would like an informative added to any decision notice.

The Wastewater Treatment Centre at Dullingham has capacity for this development.

The developer will need to demonstrate that it will not have an unacceptable flooding impact downstream.

Surface water should be dealt with via SuDS with connection the public sewer as the last option.

Anglian Water recommends conditions in regards to foul and surface water drainage.

(3 December 2018) Anglian Water has no concern over the network capacity; the foul water model for Dullingham was updated in 2017 and is considered up to date.

Confirms that Dullingham Water Recycle Centre has sufficient capacity to deal with the flows arising from the proposed development.

Anglian Water does not have many customer complaints in relation to flooding in the area and many of the issues have been from blockages.

(19 March 2019) States that the proposal is in the catchment of Dullingham Water Recycling Centre that has capacity for this proposal.

Is aware of local concerns regarding sewer capacity. It states:

“We can confirm that during normal conditions the system has enough capacity to cope with the foul flows. However, we do recognise that during storm events there have been some overflows, these were reported in June 2016 and December 2017. This is likely to be caused by unknown surface water connections made directly into the foul network.”

Repeats that a condition in regards to foul water is needed but confirms that the sewer network can cope with the development.

In regards to surface water the Lead Local Flood Authority should be consulted and its comments considered.

Local Highways Authority – (5 November 2018) No objection in principle to this application but the access needs to be amended to meet County Council Standards (2m footpaths and 5.5m road width).

The inter-vehicle visibility splays are correct for the speed of the road and as far as can be determined entirely within the public highway.

Provides advice on layout if a reserved matters application is submitted in the future.

(3 January 2019) Requests the redline be altered to include the shown visibility splays to ensure all the developers relevant land is included.

The amendments to the junction arrangement are acceptable.

(15 February 2019) No objections to this proposal and the visibility splays are entirely within the highway.

It recommends conditions in regards to:

- Ensuring roads and footpaths are built to at least binder course.
- New junction with Stetchworth Road as per drawing 188/001 Rev D.
- No private water to drain onto highway.
- Future maintenance of the proposed roads.

(1 April 2019) No additional comments.

Transport Assessment Team - (7 November 2018) Accepts the baseline traffic conditions and the accident data information.

The Team notes that bus service is limited and that train service is about once every two hours to Cambridge or Newmarket; it is also aware of the parking problems at the station car park.

Considers the proposal will lead to 3 additional vehicles every 5 minutes and that this will have minimal impact on the surrounding highway network.

Notes that the existing access will be upgraded to a new priority junction and this needs to be agreed with by the Highways Development Management who provide separate comments.

Condition is needed to deal with Construction Transport Management and to ensure provision of Travel Packs.

The footpath between White Crown Stables and Bakehouse Hill has an insufficient width and where possible this should be widened to 2m. It recommends a condition to ensure this is brought forward.

Subject to these conditions it is considered the traffic impacts will be mitigated.

(9 January 2019) States "I can confirm the proposed widening of the public footpath arrangement is acceptable".

Asset Information Definitive Map Officer – (9 November 2018) Requires £8,000 to cover the additional usage and damage from the development to upgrade the footpath (Public Footpath No.3).

Seeks a condition to cover how the estate roads and Public Rights of Way will interact.

Provides recommended condition to secure protection to the footpaths and any work to them. An informative is requested to highlight other legislation and laws in regards to Public Rights of Way.

(15 February 2019) No additional comments to make.

East Cambridgeshire Access Group – (31 October 2018) Welcomes the development and look forwards to seeing detailed plans.

Ramblers Newmarket and District Group – (23 October 2018) If care is taken the public footpaths should not adversely be affected.

Pleased to note that a number of green areas and pathways are included, which should encourage usage.

(28 February 2019) Previous views remain.

Housing Strategy and Enabling Manager – (24 October 2018) States adopted policy requires 40% affordable housing but emerging policy only seeks 30% but on a 77/23% split between rented and shared ownership.

Provides details on what needs to be included in the S106.

(11 March 2019) Policy seeks 40% affordable housing the south of district and is seeking 77% rented and 23% shared ownership in line with the latest SHMA. Continues to state:

“Based on the latest housing needs evidence from East Cambridgeshire’s Housing Register, combined with evidence from the SHMA the Strategic Housing Team will be seeking an affordable housing mix of one to four bedroom homes. I appreciate that detailed discussions will take place at Reserved Matters stage, but I note that the latest illustrative Masterplan shows that predominately the affordable homes will be delivered as two bedroom dwellings, which doesn’t accord with the latest housing needs data.”

CCC Growth & Development – (5 November 2018) Is not seeking contributions for Early Years or Primary, as Kettlefields Primary School has free space.

The proposed development will lead to an increase of 11 secondary school age students and seeks £256,663 towards Bottisham Village College.

Not seeking any contributions towards Libraries or Lifelong learning.

Strategic Waste is covered by Community Infrastructure Levy (CIL).

Waste Strategy (EADC) – (19 October 2018) East Cambridgeshire District Council will not enter private land but expects developers to comply with RECAP Waste Management Design Guide.

Provides comments on the indicative layout regarding bin drag distances and turning heads in order for the proposal to meet the guidance contained within RECAP and how far refuse lorries could enter the site.

Provides details on the cost of providing bins and how to purchase them.

Historic Environment Team – (22 October 2018) There is a lot of archaeological potential in the area but there has been no excavation history. It recommends a pre-commencement condition.

(20 February 2019) Please refer to previous comments.

Historic England – (5 December 2018) Does not wish to comment but recommends specialist conservation and heritage advice is sought.

(5 February 2019) Provides same previous comments.

Conservation Officer – (23 January 2019) The revised heritage statement was satisfactory, though the scale of the development should be limited to two storeys to ensure the tower of the local church is protected from the public footpath.

Design Out Crime Officers (Police) –The site is at a low risk of crime but recommends as the scheme progresses that lighting, boundary treatment and other security measures are provided.

It will support the developer in discussing Secured by Design.

(7 February 2019) No further comments.

Cambridgeshire Fire and Rescue Service – (7 January 2019) Recommends fire hydrants condition.

Environmental Health – (22 October 2018) Recommends standard contamination conditions, a Construction Environmental Management Plan should be added and would seek to control when construction work can take place.

Notes that in the indicative layout it has shown the over 55 bungalows close to the commercial and therefore expects the potential noise to be very low.

(31 January 2019) No additional comments to add.

Parks and Open Space - No Comments Received

Economic Development - No Comments Received

NHS England - No Comments Received

5.2 Neighbours – 125 neighbouring properties were notified and the responses received are summarised below. In addition several press adverts were undertaken the latest being on the 31 January 2019 and the latest site notice put up on the 6 December 2018. 203 objection letters at the time of writing (25 July 2019) have been received, though many properties have written in several times to maintain their objection throughout the amendments. A full copy of the responses are available on the Council's website with a summary provided below:

Use of the Site

- The site is currently for equine use.
- Newmarket and its surrounds has historically been an essential horse breeding and training area providing employment and generating wealth for both the country and the county and a change of use of this land would contribute to the erosion of this valuable national expertise.
- The site was previously a stud farm and therefore the proposals undermine the original and intended purpose of the land.

Planning Policy

- The proposed development is contrary to the Local Plan 2015.
- The risk of further development in surrounding fields.

- The Local Plan supports retaining equestrian uses.
- The proposals is outside of the village envelope.
- The provision of new dwellings in the village already exceeds the Local Plan targets.
- Dullingham is an unsustainable location for residential development.
- Dullingham has already contributed significantly to the housing requirements above the targets identified in the Local Plan 2015.
- The majority of the site is not infill development.
- The development would encourage urban sprawl.
- Any such large scale development would be contrary to the letter and spirit of the Parish Plan.

Character, Appearance, Conservation Area

- The proposal is disproportionate to the scale and heritage of the village of Dullingham.
- The proposals would set a precedence for more similar land to be used for residential purposes.
- The proposals are not in keeping with the rural village which has a strong equestrian presence.
- Harm to rural views.
- The proposed development would result in a 13% increase in dwellings to the village.
- Urbanisation of Dullingham and Stetchworth and loss of their distinctive identities.
- Three storey dwellings on the top of a hill on the edge of the Conservation Area would be damaging.
- The size and scale of anything other than modest brownfield site infill is unacceptable.
- Result in harm to the overall setting and character of Dullingham Village and surrounding open countryside.
- The proposed layout is not suitable.
- The proposal has shown no consideration for the village.
- There are too many dwellings for the size of the village.
- Loss of trees.
- Would block public views of St Mary's Church.

Infrastructure and Highways

- Strain and pressure to village infrastructure along Stetchworth Road and Station Road.
- Strain on train station car park due to an influx of additional traffic.
- Highway safety concerns onto Station Road due to narrow footpaths.
- The Transport Assessment is incorrect/misleading relating to frequency of trains, car park capacity, walking distances, train capacity and number of trains stopping at Dullingham.
- Within the Transport Statement, it is stated that as part of the assessment of travel flows that data was collected between the hours of 7:00-10:00 and 16:00 and 19:00 on Wednesday 26th September. This does therefore not take into account school traffic from Kettlefield Primary School as this school closes at 15:25. Peak traffic flows have therefore not been assessed.

- The Traffic Impact Assessment appears to give little consideration to Stetchworth High Street which already experiences congestion during peak times as a result of the Old Schoolhouse Day Nursery, to which no reference is made.
- The length of time to walk to the station is not 20 minutes, but closer to 40 minutes. People unlikely to walk to train station.
- Limited cycle storage at train station.
- There is no lighting on the route to the station from Eagle Lane.
- Trains are already oversubscribed and full meaning passengers have to rely on cars as there are no other public transport alternatives.
- Cars parking near train station will cause highway danger.
- Increased traffic would cause highway safety concerns.
- 41 dwellings will have at least 82 additional cars.
- The proposed access to the site adjacent to Clare House Stables is partially obscured because of the bend in the road which affects visibility.
- There is only a minimal bus service to and from Dullingham; residents rely on cars.
- The junction at Kings Head public house is a dangerous one, the number of accidents quotes is incorrect.
- Old Maid's corner has a single file section which provides poor visibility to see both cars and cyclists.
- The key traffic issues relate to traffic coming from Stetchworth Road pulling out onto the B1061, there is a restricted view due to the pub.
- The proposed access is not suitable for the number of dwellings.
- Parking is an issue on Station Road and needs attention.
- The provision of cycle paths on the site would lead to nowhere.
- The junction of Stetchworth Road and Brinkley Road has poor visibility.
- Pedestrian pavements are narrow, dangerously so in front of Clare Farm.

Flooding, Watercourse and Drainage

- The southern boundary of the site is located in Flood Zone 2 and 3.
- The submitted FRA is not appropriate and there is an objection from the Environment Agency.
- Impact to the watercourse that runs parallel to Stetchworth Road in term of ecology and drainage matters.
- The foul water drains that serve Dullingham and Stetchworth are known to be working at full capacity and on occasion are over their designed capacity.
- Lack of demand for large dwellings in Dullingham.
- Water pressure is poor in the area.
- Stetchworth Road is liable to flooding especially on Stetchworth Road and Station Road.
- The flood risk report suggests that there has been no episodes of flooding close to the proposed development, however objectors have expressed that there was at least two occasions where the road has been impassable and boats have been used along Stetchworth Road.
- There is a ditch that goes along the proposed development down the footpath and it is not suitable to take the extra drainage. The ditch that runs along the back of the houses at Algar Drive and Kettlefield Lane can't handle extra drainage which might result in flooding.

- Stetchworth Road floods from Bakehouse Hill to the Crossroads which includes access to the proposed development.
- The sewerage system has insufficient capacity to meet current requirements, is subject to overflows of untreated sewage into a watercourse and residential properties and there are no plans or undertaking by Anglian Water to address this issue.

Sustainability

- No facilities for the village are proposed and the development will result in no economic benefits (i.e. local shops).
- There are limited facilities/services in Dullingham.

Education

- Pressure on local schools. Kettlefield Primary School has no plans to expand and is at capacity, along with Bottisham and Linton.
- Kettlefields School is oversubscribed by the existing population in Dullingham and Stetchworth, the two communities it serves.
- Facilities such as the hall, toilets and kitchen are fully stretched and temporary classrooms are already being used.
- Secondary schools of Bottisham and Linton are at full capacity.

Ecology

- In a rural community such as Dullingham, wildlife is anticipated and not expected to be subject to reporting to CPERC or other bodies. Hedgehogs and badgers are frequently seen in gardens.

Neighbour Amenity

- The proposed development would have a detrimental impact on the residential amenity of nearby occupiers.
- The proposed dwellings will affect the privacy of adjacent properties.

Other Points

- BT cannot supply enough broadband width at peak times
- The plan covers part of the land owned by another developers and there is a risk that further development proposals will come forward should this application be approved.
- This is only the first phase of what could be massive development within the village.
- There is no employment opportunities as a result of the proposed development.
- The application is only for outline consent and therefore there are no guarantees that it will be built like the plans show.
- The proposal will increase the size of Dullingham by 10%.
- The demand for housing is a concern as in a much smaller development of 10 dwellings only 6 have sold since coming to the market 18 months ago.
- Residential development would be better close to the train station.
- Development should be located closer to Cambridge.
- Concerns for construction phases due to noise, disruption to traffic, impact to Listed Buildings and Conservation Area.

- The surrounding rural areas provide physical, mental and emotional enjoyment and well-being.
- The community facilities proposed provide no real benefit, there is already Ellesmere Centre, Taylor Hall and a community shop.
- The proposed affordable units are at the end of the development and in a field that crosses a well-used historic public footpath.
- The nearest medical practice is at Newmarket.
- Concerns for the location of the Affordable Housing in a cluster to the rear of the proposed development.
- Lack of community engagement by the developer.
- Applicant is not a constituent.

In response to the developer's submitted 'Horse Racing Industry Impact Assessment, dated June 2019'

Its previous concerns are included above, but concluded that Policy EMP6 is an important policy when determine this scheme and that it continues to benefit from full weight, irrespective of the five year land supply. Any judgement on the merits of the case application must include an assessment against EMP6.

The Newmarket Horseman's Group make the following points:

- Leaving of land vacant should not mean that policy EMP6 is not applicable.
- No alternative use has been granted on site and therefore remains an equine site.
- Policy seeks to consider first the developments impact on the operational use of the existing site and then that it does not threaten the long term viability of the industry as a whole.
- The land that will be built on will no longer be available to the horse racing industry.
- The policy does not indicate that sub-division of an existing facility would be acceptable, yet the statement considers using the remainder of the site.
- Statement does not include any market information to demonstrate the demand for the remainder of the paddocks and stables.
- The satellite imagery is inadequate to demonstrate the developer's case and shows a distinct lack of understanding for the training/thoroughbred horses. The area around a training area is as important as the land that the horses occupy. This will adversely impact on its appeal to an operator.
- Further residential development could hinder the continued use of the remaining equine land.
- It is important to understand the cumulative impact of the loss of sites such as this one and that is missing in the developer's statement.
- Concludes - It seeks active marketing as equine land to prevent deliberate mothballing of sites to circumvent policy EMP6. This should also be done for the remainder of the site to prove this would remain an active site. It remains the developer's responsibility to demonstrate that it complies with EMP6 and the decision maker to assess and apply this policy.

Others have raised the following points:

- Developer has chosen not to allow the site to be used.

- The site has not been used since around 2008, by choice of the owner not through lack of need.
- The site has been decreasingly used for grazing.
- The equine industry is made up of sites of very different sizes.
- Smaller sites struggle to work efficiently.
- There is a lack of sites already.
- Equine industry is of great importance in the area.
- Could lead to the future loss of the entire Clare House stables and paddock.
- Need to consider the future impact of when land availability will not meet demands through growth.

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
EMP3	New employment development in the countryside
EMP6	Development affecting the horse racing industry
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide
Contamination
Developer Contributions
Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 6 Building a strong competitive economy

- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 11 Making effective use of land
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Planning Policy Guidance

Housing for older and disabled people (26 June 2019)

7.0 PLANNING COMMENTS

7.1 **Principle of Development**

7.2 Following the Council's decision to withdraw its Submitted Local Plan at a Full Council meeting on 21st February 2019, some or all of those draft allocation sites that were proposed within the now withdrawn Local Plan might not be able to be relied upon as continuing to contribute to the supply. A Five Year Land Supply (Published June 2019) concluded that the Council five year supply of land has reduced slightly to 3.7 years of housing supply.

7.3 In addition any policy that restricts housing has to be carefully judged on the grounds of tilted balance covered by paragraph 11 in the NPPF that states:
 "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole."

7.4 Under point i. the protected areas or assets are habitat sites, SSSIs, Green Belt, Local Green Space, Area of Outstanding Natural Beauty, National Park, Heritage Coats, irreplaceable habitats, designated heritage assets and areas at risk of flooding/coastal change.

7.5 Policy EMP6 (Development affecting the horse racing industry) is of great relevance and states:

Any development which is likely to have an adverse impact on the operational use of an existing site within the horse racing industry, or which would threaten the long term viability of the horse racing industry as a whole, will not be permitted.

- 7.6 Policy EMP 6 in itself has full weight as it is not a housing policy and while the NPPF does not make specific reference to the equine industry the policy is considered to comply with Chapter 6 of the NPPF, which seeks to support a prosperous rural economy. However, applying it absolutely will leave large areas of the district unable to support the required levels of housing growth. The decision maker should only refuse an application if it would have an adverse impact on the horse racing industry or the long term viability of the stud/horse facility.
- 7.7 In making a decision, it is considered that minimum weight should be given to the fact that changing land from paddock to agricultural does not constitute development (Town and Country Planning Act 1990, para 55 2e) and therefore is outside of the control of any Local Planning Authority. The ability to automatically change equestrian land to agricultural land is only granted minimal weight, as while this would allow land to no longer count as equestrian the District still needs to maintain the ability for sufficient equestrian land to support the horse racing industry.
- 7.8 While many of the GROWTH policies in the Adopted Local Plan seek to maintain village boundaries GROWTH 5 makes it clear that the fundamental aim of any development is to meet the requirements of sustainable development in social, economic and environmental impacts. This policy is fully in line with the NPPF that requires developments to be approved unless there is significant demonstrable harm or where land is specifically protected within the NPPF. Under Chapter 6 of the NPPF there is no specific mention of the need to protect equine business, though it is clear it seeks to protect land based rural businesses. The level of harm to the equine industry is discussed in greater detail below.
- 7.9 A court decision Suffolk Coastal District Council and Hopkins Homes Limited and Secretary of State for Communities and Local Government, Richborough Estates Partnership LLP and Cheshire East Borough Council and Secretary of State for Communities and Local Government [2016] EWCA Civ 168 (Appendix 2) states in paragraph 33:
- "Our interpretation of the policy does not confine the concept of "policies for the supply of housing" merely to policies in the development plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites. It recognizes that the concept extends to plan policies whose effect is to influence the supply of housing land by restricting the locations where new housing may be developed - including, for example, policies for the Green Belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various policies whose purpose is to protect the local environment in one way or another by preventing or limiting development. It reflects the reality that policies may serve to form the supply of housing land either by creating it or by constraining it - the policies of both kinds make the supply what it is."*
- 7.10 A further Court Case judgement in May 2017 Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richardborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 (Appendix 3) provided greater

clarification/correction and stated a council that could not demonstrate a five year land supply must be careful in how it applies its environmental and amenity policies. In short a wider view of the development plan has to be taken when coming to a determination, but a narrow view on what is a housing policy. This is specifically covered in paragraphs 83 and 84 that state:

“If a planning authority that was in default of the requirement of a five years supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated. The purpose of paragraph 49 is to indicate a way in which the lack of a five-year’s supply of sites can be put right. It is reasonable for the guidance to suggest that in such cases the development plan policies for the supply of housing, however recent they may be, should not be considered as being up to date.

If the policies for the supply of housing are not to be considered as being up to date, they retain their statutory force, but the focus shifts to other material considerations. That is the point at which the wider view of the development plan polices has to be taken.”

- 7.11 While policy EMP6 does not prevent or limit housing it’s designed to protect the economic sustainability of primarily the settlements around Newmarket; the benefits of much needed housing against the importance of protection of equine land have to be carefully considered. However, a clear breach of policy EMP6 should lead the decision maker to recommend refusal for the proposal. The economic impact of the proposal is covered in greater detail below.
- 7.12 It is clear that the lack of a five year land supply does not prevent areas that are specifically protected by the NPPF from maintaining their full protection; for instance heritage having full weight in any determination. These specifically mentioned protected areas are considered to overrule the court case mentioned above, as the NPPF has since been revised. However, there is no specific policy in the NPPF that specifically protects equine land in relation to lack of five year housing supply, though it does promote the protection/growth of the rural economy.
- 7.13 Paragraph 59 of the NPPF seeks to ensure that there is sufficient and a variety of land that can come forward. It is noted that Dullingham, Stetchworth and Woodditton do not have any site allocations; though this does not mean that these villages have not experienced growth. In those settlements to the direct south of Newmarket only the village of Cheveley has been allocated residential development of 20 dwellings in the Adopted Local Plan. Bottisham is just to the south of Newmarket and allocated 50 dwellings in the Adopted Local Plan. It should be accepted that in the now withdrawn Local Plan, Dullingham did have one allocation for 15 dwellings adjacent to this site. However, it does show that there is a lack of available sites within the south of district for suitable housing schemes to be brought forward; combined with the five year land supply (3.7 years of housing supply) and people in these areas (or seeking to live here) are likely to find it difficult to find a home to suit their needs.
- 7.14 A lack of supply within an area will likely push house prices higher due to the great demand for houses in Cambridgeshire (specifically near Cambridge), which leads to harm to the social sustainability of an area; it also means those seeking to work

in agriculture/equine are almost certainly priced out of the market. The lack of housing in an area is also likely to diminish the economic potential of an area, due to companies not being able to find a steady workforce or market to sell to.

- 7.15 Members will need to weigh the benefits of providing housing in Dullingham in order to help these villages maintain community facilities (in accordance with para 78 of the NPPF) as well as providing homes for those who want to live within the village against the change of character to the village. Each application must be determined on its own merits and while the district has more sustainable locations (primarily Ely, Soham and Littleport); residential growth in other relatively sustainable locations must be considered in order to maintain a continuous five year land supply.
- 7.16 In terms of sustainability in regards to transport the train station in Dullingham is about 30 minute walk from the site. There are services to Cambridge and London; though only the 07:20 train (one change in Cambridge) would get you into London early and two trains to Cambridge (07:20 and 08:00) before 09:00. There are also trains into Newmarket, generally one every two hours. While the station's rail service has limited times to get to main settlements and is a distance from the site; it is a service that most of the district does not have (only the parishes of Littleport, Kennett and Ely currently have train stations). This has been given minor to moderate weight in the decision making process in regards to sustainable transport.
- 7.17 The site is located adjacent to the village framework and in close proximity to the Kettlefields Primary School. The village is within easy driveable distance to Newmarket, which provides a significantly greater amount of facilities/services. It is considered the site location for dwellings is a sustainable location for a rural authority. The potential amount of dwellings and the impacts of these dwellings will be covered in greater detail below. Paragraph 78 in the NPPF states that services in one village can support people in another; the lack of all required services in Dullingham (for instance Secondary School) is for this reason not substantially harmful to the sustainability of the development as it is expected in a rural district for each village to support each other.
- 7.18 The proposal is seeking to provide 250 sqm of B1 and/or D1 uses. These uses are shown indicatively adjacent to the Stetchworth Road, which would be a logical location for these uses to the benefit of the wider community (as well as locating more vulnerable users outside of Flood Zones 2 and 3).
- 7.19 The location of the B1 use is closely related to the settlement framework, there are no other locations considered to be suitable and it would be easily be accessed by foot/cycle. The proposal is considered to comply with EMP3 as it is a relatively small scale development and there are not other suitable sites within the settlement, though the visual impact and highway elements of this policy is considered below. On the same basis the D1 use class is considered to comply with policy COM4 that seeks to provide community facilities in close proximity to the community while ensuring there is no material harm to character of the area, residential amenity and does not lead to additional traffic. However, it is considered reasonable to condition that the proposed floorspace is a maximum, to ensure the proposed units can suitably fit within the site.

- 7.20 The proposal taken, as a whole, is considered to be acceptable in principle, as the site is in a relatively sustainable location and will provide much needed housing within the District. The proposal still needs to be determined on whether the detrimental impacts significantly outweigh the benefits of this application, this includes but not limited to the impact to the equine industry.
- 7.21 Housing Mix and provision of affordable housing mix**
- 7.22 The housing mix is only taken as indicative as this is an outline with all matters reserved except access.
- 7.23 The developer has suggested a mix of:
- Market – six 2 bedroom bungalows for over 55s
six 3 bedroom bungalows
nine 4 bedroom dwellings
four 5 bedroom dwellings
 - Affordable – eight 2 bedroom dwellings
eight 3 bedroom dwellings
- 7.24 Policy HOU1 in the Adopted Local Plan seeks single bedroom dwellings, but it could be argued that single bedroom properties are less desired within smaller villages. It is also noted the developer is not suggesting 2 bedroom properties for the open market, which would be expected in this location. However, the concerns in regards to visual impact may give greater need to provide single and two bedroom properties in order to keep building heights low. Notwithstanding this, if a reserved matters application was submitted it would be expected a greater proportion of the market properties to be smaller properties or additional justification provided for the housing mix.
- 7.25 The proposal is seeking to provide a large proportion of the dwellings to be bungalows and half of these to be for the over 55s; this exceeds the requirements of Policy HOU1 as this is normally only required for schemes of over 50 dwellings. To ensure at least six bungalows for over 55s come forward in the first reserved matters application a condition is recommended. Chapter 5 of the NPPF highlights the importance of providing for an aging population (this element will be covered in greater detail below). The specific provision of dwellings for the over 55s is to the benefit of the application.
- 7.26 Policy HOU3 requires affordable housing in Dullingham to be at least 40%; while this proposal is only providing 30%. However, in the Submitted and now withdrawn Local Plan the percentage of affordable dwellings required was 30%. Since the submission of the application in October 2018, a draft S106 has been written and submitted. Following the withdrawal of the Local Plan an independent report (Viability Assessment Information, Report V2, April 2019) has been produced for East Cambridgeshire District Council has been written stating:

“The interim positions intended for use by ECDC are within the parameters of our findings and recommendations, as explained in this report, at a suggested 20% AH requirement for Littleport and Soham; 30% AH elsewhere in the District. These positions therefore represent reductions in some key respects from the currently adopted 30% (north) and 40% (south) AH policies.”

7.27 On this basis it would be unreasonable to require a higher level of affordable housing on this proposal. The development is offering 77% rented and 23% shared ownership, which is a benefit to the application but the suitable level of affordable housing is currently being reviewed.

7.28 The proposal is considered to in principle comply with policies HOU1 and HOU3, though the final mix would only be defined at a reserved matters stage.

7.29 Economic Sustainability of the Horse Racing Industry

7.30 It is accepted that the horse racing industry is of great importance around Newmarket, as much of the economy is based on this trade. Policy EMP6 clearly states that any development that adversely harms the horse racing industry should not be permitted. While an argument could be brought forward around the dangers of relying on a single goods trade (shoes in Northampton, Sheffield steel or cars in Luton) around one settlement; it is acknowledged and accepted that the horse racing industry (HRI) is of great importance within the District and is supported in adopted policy.

7.31 The proposal would lead to the loss of approximately 1/3 of the paddock land of Clare House Stables. This will likely reduce the economic potential for the stables and will reduce the maximum amount of horses that the stable business is likely to be able to keep. However, the proposal is not seeking the loss of the stables or the majority of the paddock land and an existing access still remains to the site albeit blocked for security measures at present. An additional access could be provided within the reserved matters, but this is considered to be desirable and not essential.

7.32 The applicant has provided a report ‘Horse Racing Industry Impact Assessment’ dated June 2019 that states: on page 5 paras 2.6- 2.7:

“The tenants confirmed that since possession in 2014, no part of the site had been used for training horses, any other HRI related use or any other commercial purpose; the stables and land have solely been for their private use. The tenants understood that prior to 2014, the site had been vacant for several years (likely at least since it was purchased by the current owner in 2008). This was supported by the fact that the buildings on the site were in a state of disrepair upon the tenants’ possession in 2014, with the agreement that the tenants would improve the site.

This is reinforced by a Freedom of Information response from East Cambridgeshire Council in respect of empty properties dated 31st July 2013 which lists White Crown Stables as empty since 20th March 2008.”

- 7.33 The aerial photos within the assessment show that in 2008 the application site was not used for intensive training, though was still being used in relation to the stables and by 2010 there is no evidence of intensive use. However, the lack of intensive use does not change the fact that the authorised use of the land is for equine that could be either for commercial or private use.
- 7.34 The report continues to point out that the remainder of the stables and paddock land could still be used in relation to the equine industry ranging from (but not promoted for) equine hospital to the stables still being able to run at 80% efficiency with 22 out of 28 stables occupied in order to meet the 0.4 – 0.6 hectares of land as recommended by the British Horse Society and this is broadly in line with the stable capacity. The proposal would still allow the stables to have space to look after horses and/or provide a training facility. It is the view of the Case Officer that reducing the area of land around stables can limit the number of people/businesses that could be interested in the equine unit. It is also noted that both the Newmarket Horseman's Group and the applicant agree that the equine industry is made up of sites of different sizes.
- 7.35 The report goes on to state on page 21 para 4.24:
- “In fact, given the industry has grown during a period in which the application site was not in HRI use; it is difficult – in fact impossible – to conclude that the loss of even a part of the Clare House Stables site (noting that the dwellings, stabled and over 10ha of land in total would be retained) would threaten the long term viability of the HRI as a whole. This makes sense in part because at no point while it was in HRI use was the site at Clare House Stables hosting a facility which was fundamentally central to the racing industry, e.g. an equine hospital, bloodstock auctioneer, racecourse, racing school (without which the cluster could have theoretically unravelled).”
- 7.36 It is considered that the harm to existing paddock/stables of Clare House Stables is minor – moderate, as there would be some limitation of what the stables can cater for with the reduced paddock land. However, it is considered that sufficient land (approx. 10 hectares or 25 acres) would remain to ensure the remainder of the site could form a productive site within the equine industry. It is noted that a smaller equine yard (18/00790/FUL, Equine Livery Yard, Temporary Dwelling and New Access on Brinkley Road Dullingham) that measured 1.9 hectares and was independently assessed as being a viable equine business. This proposal is not considered to lead to an adverse impact upon the stables it would be unreasonable to refuse it on the grounds of policy EMP6, as the remainder of the site could still be put into practical use and benefit to the quine industry.
- 7.37 The proposal cannot be demonstrated as threatening the long term viability of the horse racing industry and for this reason it again would be unreasonable to refuse the application on the grounds of policy EMP6, as the horse industry around Newmarket has continued to strongly grow without the need of these stables.
- 7.38 The applicant has stated in their report (page 18-19) that since 2008/2009 the number of horse sales has increased by about 1000 horses (that has increased the value by approximately £170 million) and that only Australia/USA provide more world ranked horses than Newmarket.

- 7.39 The Case Officer believes this demonstrates that Newmarket's horse racing industry does not need the application site to succeed, it also demonstrates why careful consideration must be given to the protection of the horse racing trade in Newmarket.
- 7.40 While each application must be determined on its own merits if stables/paddocks continued to be built on then the cumulative impact would clearly need to be considered.
- 7.41 The District benefits from large amounts of Grade I/II agricultural land and around Newmarket, in particular, large areas of paddock land. It is, therefore, likely that new development will always reduce either agricultural or paddock land within the district. With little infill space or brownfield land to provide the much needed housing in the district it is considered the minor harm to the equine industry is balanced by the need for housing. The provision of new business (B1) on site is a benefit but is not specifically required to be brought forward quickly in order to gain support.
- 7.42 Whilst there will be some economic benefit from construction work, it must be balanced, as the harm to the horse racing industry is long term while construction trade is short term. The long term benefits of housing and level of harm to the horse racing industry is of fundamental importance when assessing the merits of the application.
- 7.43 The proposal, therefore, will cause minor-moderate harm to the equine industry. While there is some conflict with Policy EMP6 the proposal is not considered to threaten the long term viability of the horse racing industry based on the amount of land proposed and given the lack of use of the land in recent years. In addition the local racing industry has still grown in recent years and the site is not considered of fundamental importance to the equine industry. In addition the remaining stables and grazing land could still be productively in the equine industry. The public benefit in providing much needed housing (including affordable houses) is considered to neutralise this level of harm to the existing stable/equine use.
- 7.44 Proposed B1 and D1 Use Class
- 7.45 Policy EMP3 allows B1, B2 and B8 uses within or in close proximity to the village framework where there is a lack of suitable buildings/sites within the village, it will not cause harm to the character of the area, will not result in harm to residential amenity, will not result in significant increase in traffic and is accessible by foot/cycle. Policy COM4 allows for new community facilities within village settlements where possible, subject that it is accessible by foot/cycle, will not have adverse impact on traffic, will not harm character of the area or residential amenity and that the greatest amount of use of the community facility has been designed in.
- 7.46 It is considered that the provision of Light Industry (B1) and Non-residential Institution (D1) would provide much needed opportunity in the local area for small business and/or community facilities. While generally these use classes are suitable for residential areas, it is considered reasonable and necessary to recommend a condition restricting hours of use in order to avoid unsociable hours

of use. It is considered that the proposal does comply with policy EMP3 and COM4 of the Adopted Local Plan.

7.47 Residential Amenity

7.48 Policy ENV2 seeks to ensure there is no significant detrimental effect on the residential amenity of nearby dwellings and that new dwellings offer a high standard of amenity.

7.49 The proposal is for up to 41 dwellings though scale is not being considered as part of this outline consent. A scheme could be designed to ensure there is no significant loss of privacy, light or causing undue overbearing to any existing or proposed residential property. It is also expected that garden sizes would comply with the Design Code SPD. Suitable care would be needed as part of a reserved matters application in order to ensure properties on higher levels of the hill slope do not cause harm to residential properties on lower levels; in these cases back to back distances for two storey to two storey would be expected to exceed the distances suggested in the Design Code SPD (which are a recommended minimum). The proposed ecology mitigation, drainage and open space details could further protect residential amenity of existing residents by creating a buffer.

7.50 Policy ENV9 seeks to ensure that all development minimise pollution and that a full assessment can be undertaken on potential contaminated land, including how to make the land suitable for the intended end use.

7.51 While the chance of land contamination is low on a rural paddock site, it is still considered reasonable to recommend contamination conditions to any approval in order to ensure existing and future residents are protected.

7.52 With the quiet nature of the village it is likely that construction works would have a noticeable impact; while it is not possible to prevent disturbance from a construction site it is considered reasonable and necessary to recommend construction hour limits and the need for a Construction Environmental Management Plan (CEMP) conditions onto any approval. With the proposal being on a hill and the size of the proposal, a CEMP will also need to ensure that water run off during on construction does not unduly impact neighbours and that the public footpaths are protected.

7.53 It is considered subject to conditions the proposal would comply with policies ENV2 and ENV9 of the Adopted Local Plan 2015.

7.54 Visual Amenity

7.55 The proposal needs to comply with policies ENV1 and ENV2, which seek to ensure the character of the area is protected and the final design is acceptable. Weight must also be afforded to Chapter 11 of the NPPF when considering the principle of additional dwellings on part of the site. Within Chapter 11, paragraph 123 of the NPPF states that, where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. When considering the

effective use of land in line with the NPPF, it is important to note that each planning application and site must be assessed on its own individual merits.

- 7.56 The gross density of the site (for 41 dwellings) is 7.3 dwellings per hectare or 3 dwellings per acre. This density is considered to be very low and is appropriate for a village edge location. However, it should be noted that the amount of ecological enhancement and offered land for the primary school lowers the density of the site substantially.
- 7.57 The character of the site is primarily used for equine grazing, though at the time of the site visit it was noted sheep grazing on the most northern section of the site. The site is located on a hill with the ridge of the hill to the north of the site. With a footpath running through the site in a north/south direction and a footpath at the top of the hill running in an east/west direction, the site is publically visible from most angles from the public realm. The village church is viewable from the public footpath to the north of the site and provides an important connection between the countryside and the village. It is noted that the local character of the area is equally defined by modern residential cul-de-sacs of Bakehouse Hill, Taylors Field, Algar Drive, Spooners Close and Kettlefields; all these residential developments would cut into the countryside at the time of construction. In addition these residential streets form a backward 'L' shape; the proposed development seeks to square off this corner of this village and on this basis is considered to preserve the character of the area, subject to the final design.
- 7.58 It is considered that the proposed development would have an urbanising impact, though will maintain large spaces of public open space. These public open spaces would allow green fingers to remain within the development and connect to the public footpaths; this would help ensure that a village edge feel is maintained.
- 7.59 The existing countryside is likely to be of substantial value to the local people, who have chosen to live there, even though the vast majority of it is not publically accessible. However, seeing development is not in itself fundamentally harmful and can lead to the visual enhancement of an area; in addition to this the countryside is not protected as an Area of Natural Beauty, Green Belt or other protected space.
- 7.60 The applicant has submitted a Landscape and Visual Impact Appraisal (dated January 2019) (LVIA) in early February to fully assess the impacts of the proposal on the local landscape. The report's overall conclusion that the proposal will be relatively contained and will fit in well with the existing cul-de-sacs to the south and east of the site. However, the potential harm to the character is largely based on ensuring that the footpath running north/south is not too enclosed, existing landscape is maintained and that the size (primarily height) of the proposed dwellings is strictly controlled if a reserved matters application was submitted. This conclusion is supported by the Case Officer and any reserved matters application will need to take the conclusions of the LVIA into consideration as part of the design process, as well as other material considerations, to ensure a high quality design which preserved or enhances upon the local architecture.
- 7.61 It is expected that if a reserved matters application was submitted that the house types would be of a high quality that reflect the best architectural examples within

the local area, as well as using high quality materials, in order to provide an enhancement to the character of area that is adjacent to the Conservation Area.

7.62 With careful design it is considered that the proposal would meet policies ENV1 and ENV2 of the Adopted Local Plan 2015 and the Design Guide SPD.

7.63 Historic Environment

7.64 Policy ENV11 (Conservation Areas) and Policy ENV12 (Listed Buildings) seek to ensure that areas/buildings of historical or architectural interest and their setting are protected. The NPPF does allow harm to historical assets/places, subject that the public benefit clearly outweighs the harm.

7.65 The proposal is adjacent to the Conservation Area and the Grade I Listed Building of St Mary Church located to the southwest of the site. In a village setting the view of the church tower is considered to be of significant importance and this tower can be seen from the public right of way located to the north of the site.

7.66 If tall buildings are placed along the northern edge of the proposed site the harm to the setting of the listed building from this footpath is likely to be less than substantial to substantial. However, if proposed ridge heights were reduced the harm to the setting of the church is likely to be the lowest level of less than substantial harm. However, this is only an outline application and the layout, scale and appearance are not being determined at this stage. It will require careful design to ensure less than substantial harm within a reserved matters application. The views from the public right of way running through the site in a north/south direction has limited views towards the Church, due to the amount of landscaping, though this could change over time.

7.67 The public benefits of housing, business and community space and affordable homes would outweigh the harm subject to the view of the church tower from the PRoW to the north is maintained; any reserved matters application will need to be carefully designed and supported by a Heritage Statement to demonstrate that there was less than substantial harm.

7.68 Clarehall Farmhouse is a Grade II Listed Building but is separated from the site by the existing stable buildings; the impact on the setting of this listed building is considered to be very minor and the benefit of the proposal (as highlighted above) will clearly outweigh any impact on this listed building.

7.69 With the site being located adjacent to a conservation area, it will be necessary to secure a high quality design and materials at reserved matters stage if this application was approved. It is also expected that the affordable housing should be tenure blind.

7.70 The proposal is considered to comply with policies ENV11 and ENV12 of the adopted Local Plan 2015 and the requirements of the NPPF.

7.71 In order to ensure the proposal meets with the requirements of policy ENV14 that seeks to protect archaeology; it is necessary to place a pre-commencement

condition in regards to archaeological investigation to ensure no historical artefacts are damaged or lost by the proposal.

7.72 Highways and Parking

7.73 Policy COM7 seeks to ensure suitable and safe entrance onto the public highway, preventing detrimental impact on the highway network as well promoting non-motorised methods of transport. Policy COM8 seeks to ensure suitable levels of parking.

7.74 The Local Highways Authority and its Transport Team has stated that it has no objection to the proposal as amended. The level of increase in traffic from this proposal on the wider network is considered to be minimal and the provided visibility splays (drawing number 1888/004 Rev B) are acceptable; the requested conditions are recommended to secure these requirements.

7.75 The proposal is near the primary school and weight should be given to it being relatively easy to walk to the school.

7.76 It would be expected in any reserved matters application that the proposal provides at least two parking spaces per dwelling plus sufficient visitor spaces. In addition each dwelling should include space for secure cycle storage. With the overall size of the site and the relatively low number of dwellings this could be easily accommodated.

7.77 It is considered subject to conditions that the proposal is acceptable and complied with policies COM7 and COM8.

7.78 Ecology

7.79 Policy ENV7 requires all developments to first protect species on site, then to provide adequate mitigation measures and finally to enhance biodiversity within the area.

7.80 It is normal practice to undertake detailed biodiversity surveys prior to submitting an application, which should be done at the relevant time(s) of the year. This is so the impact on local biodiversity can be fully assessed and suitable mitigation and enhancement measures are put into place. This means it is necessary to undertake all fundamental surveys prior to determination and then condition protection/enhancement measures.

7.81 In this application, the applicant has not undertaken the standard surveys. The original submitted document concluded (Preliminary Ecological Appraisal, 9 October 2018) the proposal would have minimal impact and provided a list of habitat creation in its suggested enhancements section. The appraisal also recommended carrying out the necessary surveys to investigate amphibians, reptiles, bats and dormouse. While this would normally lead to a recommendation of refusal, as no application should lead to detrimental harm to biodiversity, in this case the developer is seeking to undertake a different method. This alternative approach requires the developer to put in a 'gold standard' scheme; in affect presume all potential protected species are on site and then

protect/mitigate/enhance on this basis. This requires a far greater level of mitigation and enhancement than might have been needed if all the relevant surveys were done upfront. It is also fundamental to allow species to safely transverse the site.

- 7.82 The Biodiversity Strategy Report (8 February 2019) concludes “we have demonstrated that land at White Crown Stables can be developed whilst producing biodiversity gains and a positive impact for protected species”. It also adds that further surveys are needed to meet legal requirements but the proposal is able to accommodate suitable habitats. This report has been written on a ‘best case scenario’ basis, which translates that it is presumed that species are on or adjacent to the site; for instance that nine nearby ponds are presumed to have low to medium sized populations of great crested newts.
- 7.83 It is of fundamental importance that the mitigation measures and enhanced measures suggested in the report are carried out; in addition to this the indicative landscape plans (001 – 004 February 2019) will need to influence the final design if a reserved matters application is submitted. These drawings show areas of open water, swales, range of trees, grassland, scrub and an orchard. These features should ensure both ecological improvements but help animals transverse the site safely. It also recommends a range of bird and bat boxes, bee boxes, log piles and grass/compost heaps. All of these would need to be included in any final scheme.
- 7.84 It is the view of the Wildlife Trust that the proposal has the potential to lead to net gain in biodiversity and provides sufficient space for mitigation; though seeks conditions to ensure no harm does come to protected species.
- 7.85 It is considered that the proposal will meet the requirements of ENV7 of the adopted Local Plan 2015, subject to the recommended conditions that are considered fundamental to the support of this application. Without these conditions the application would not comply with the requirements of Policy ENV7 of the Local Plan or Natural England standing advice.
- 7.86 Flood Risk and Drainage**
- 7.87 Both Policy ENV8 and the principle of Sustainable Drainage Systems (SuDS) seek to ensure that all developments contribute to reducing flood risk.
- 7.88 The site is located on a slope which naturally drains to the south where it enters a ditch that runs alongside Stetchworth Road. It is presumed that many of the modern developments for instance Bakehouse Hill and Taylors Field are unlikely to have sustainable drainage systems and have likely substantially increased the risk of flooding in the local area. However, current development needs to demonstrate it maintains greenfield run off rate plus make allowance for climate change. New development, therefore, in the short term reduces the risk of flooding in the local area and in the long term will not make the chance of flooding any greater.
- 7.89 The latest documents submitted by the applicant have been accepted by the Lead Local Flood Authority, subject to a recommendation condition being appended to the decision. The drainage details recommended are provision of a pond, permeable paving in certain areas of the site, swales and attenuation tanks in order

to ensure the surface water is managed. The final design of the scheme will need to accommodate ensuring appropriate levels of permeable paving against the desire to have the roads adopted by the Local Highways Authority, as it does not adopt permeable roads. However, with the size of the site and the low density there is no reason to believe a suitable design could not be brought forward. It is, therefore, accepted that the proposal would have suitable drainage measures that will in the short term reduce the risk of flooding to locals and in the long term not make the risk of flooding any greater.

7.90 The indicative site layout shows that it is possible to keep the proposed development outside of the area at risk of flooding (Floodzone 2 and 3), as well as ensuring the more vulnerable users (dwellings) are kept on the higher levels.

7.91 The proposal is considered to meet the requirements of policy ENV8 and the Cambridgeshire Flood and Water SPD, subject to the recommended condition to ensure that the first reserved matters application includes suitable drainage details.

7.92 Infrastructure and S106

7.93 Anglian Water have confirmed that it has capacity in its sewer network to accommodate the development's foul water and to treat it. It is considered reasonable to recommend a condition in regards to foul water to ensure appropriate connection.

7.94 There is significant disagreement between the local population over Anglian Water's view. The local residents believe there is not capacity within the sewer network to cope with existing dwellings, let alone new development. A Local Planning Authority cannot get involved in maintenance issues, but has a requirement to ensure there is capacity in relevant infrastructure. With Anglian Water confirming there is capacity in the network it would be unreasonable to require the developer to pay a contribution to improve the sewer network. If there is not capacity in the wider network, it will be for Anglian Water to provide the necessary infrastructure improvements under its own responsibilities and legislation.

7.95 Cambridgeshire County Council has requested the following education contributions:

- No contribution needed for early year, as there are 23 spaces available at Kettlefields and the development would only produce 13 spaces.
- No contribution needed for primary schools, as Kettlefields Primary School has 46 spare spaces and the development would only produce the need for 17 child spaces.
- Seeks a contribution of £256,663 to accommodate 11 secondary spaces at Bottisham Village College that is expected to already be over capacity by 2021/22 even with planned extensions.
- No demand to improve Libraries and Lifelong Learning from this proposal as there is no need to increase capacity from this proposal.

7.96 The developer is offering:

- Land offered for an extension to Kettlesfield Primary School.

- £256,663 (plus indexation) for Secondary School contributions.
- 7.97 The developer and County Council are in agreement over the level of contribution needed for secondary school provision. On this basis, there is no reason to consider that the level of contribution is unreasonable.
- 7.98 The Department for Education has produced a report ‘Securing developer contributions for education, April 2019’ that states:
- “You may wish to safeguard additional land when new schools with development sites are being planned, to allow for anticipated future expansion or the reconfiguration of schools to create a single site. ‘Future proofing’ can sometimes be achieved informally through a site layout that places open space adjacent to a school site. Where justified by forecast need for school places, additional can be designated specifically for education use and made available for purchase by the local authority with an agreed timescale, after which the land by be developed for other uses.”
- 7.99 The County Council are not seeking the land or a financial contribution for primary education, therefore it would be unreasonable to add any material weight on the development providing land for the primary school. However, as the land forms part of the permission the County Council could purchase it in the future, but this would need to be at market value.
- 7.100 A condition is recommended in regards to broadband, to ensure the highest possible speed internet is provided for the development; this may benefit the wider parish but is required to ensure the development has necessary infrastructure for today’s requirements. This is a requirement under Chapter 10 of the NPPF and Policy GROWTH3 of the Local Plan.
- 7.101 The S106 will also need to include long term management of public open space and water management. In addition the S106 will also need to secure the provision of affordable housing.
- 7.102 The developer is required to pay the Community Infrastructure Levy (CIL), this money can be used to pay for those items on the Council’s Regulation 123 list, including:
- Littleport Schools
 - District Leisure Centre
 - Soham Railway Station
 - Ely Southern Bypass
 - Health Facilities Serving North Ely Development
 - A142/Witchford Road Roundabout
 - Childrens Centre Serving North Ely Development
 - North Ely Country Park
 - Staploe Medical Centre
 - Ely Commuter Car Park
 - Wicken-Soham-Ely Cycle Path
 - Witchford Household Recycling Centre

- Burwell Parish Council Recreation Ground Improvement Project
 - Ely Museum Redevelopment
 - The Mill Project- Soham
 - Sutton GP Surgery Extension
 - Stretham GP Surgery
- 7.103 In addition the Parish would receive 15% of any CIL money collected from the development to seek to improve any infrastructure issue.
- 7.104 Other Material Matters
- 7.105 Concerns raised by neighbours that the applicant is not a local constituent and that this might lead to future development within the village are not material planning considerations. All planning applications are judged on their individual merits.
- 7.106 Members are reminded that no developer should be expected to overcome existing problems, but should ensure that the development mitigates against its own harm.
- 7.107 Planning Balance
- 7.108 The proposal is considered to be acceptable in principle, as the Council cannot demonstrate a five year land supply and it complies with the requirements of paragraph 11 in the NPPF.
- 7.109 The proposal is not considered to be detrimental to the existing stables/equine use of the local or wider area and while there is some harm it is considered to only be minor-moderate. It is considered that the benefits of the development would outweigh this harm and on this basis it would be unreasonable to refuse the application on the grounds of policy EMP6.
- 7.110 The proposal has been confirmed by County Council that it will not be detrimental to highway safety or traffic capacity, subject to suitable conditions that are recommended.
- 7.111 Anglian Water have confirmed there is sufficient drainage capacity in the network. However, local residents are concerned in relation to capacity. It would be unreasonable to refuse or place additional burdens on the applicant. Anglian Water still have to comply with legislation and policy that relates to them and on this basis needs to ensure public sewers are suitably maintained.
- 7.112 The benefits of the proposal would outweigh less than substantial harm to the heritage assets (specifically the views of the Grade 1 village church, subject that the view of the tower is maintained from the PRoW to the north). Archaeology can be preserved through the recommended condition that requires suitable investigation.
- 7.113 The proposal subject to suitable drainage measures and mitigation/enhancement to ecology will lead to the area becoming more environmentally sustainable.

- 7.114 The creation of additional housing (including affordable and over 55 provision), provision of office space, indoor and outdoor community space will lead to an economic and social sustainable improvement in the local area.
- 7.115 It is considered that the proposal is acceptable, subject to the recommended conditions and the completion of a S106. With the S106 still being drafted it is recommended that members grant the Planning Manager and Legal Services Manager delegated powers to determine the application following completion of the S106 and to allow for any minor changes 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 lack of a five year land supply.
 - No objections from statutory bodies.

9.0 APPENDICES

- 9.1 Appendix 1 – Suggested Conditions
- 9.2 Appendix 2 – Dullingham Parish Council comments received on the 18 July 2019

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01435/OUM	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Planning Team Leader 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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 18/01435/OUM Conditions

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

Plan Reference	Version No	Date Received
1888/005	A	29th January 2019
1888/004	B	23rd January 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 The first reserved matters application shall include the mitigation and enhancement measures contained within Biodiversity Strategy Report (8 February 2019) within the layout and landscaping of the site. The developer will also need to demonstrate how the landscaping measures in drawing numbers 001 – 004 (dated February 2019) have been duly considered in the proposed layout/landscape. Development shall be carried out in accordance with the approved details.
- 4 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 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 protection of biodiversity (in line with Biodiversity Strategy Report 8 February 2019) 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.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers to protect biodiversity and to ensure safe vehicular movements, in accordance with policies ENV1, ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 6 The tree protection measures as shown in appendix 5 and 6 of the Arboricultural Impact Assessment (9 October 2018) shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 6 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.
- 7 Prior to or with the first reserved matters a surface water drainage scheme for the site, based on sustainable drainage principles, shall be 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 Surface Water Drainage Strategy prepared by 7 Engineering Consultancy Ltd (Rev 01 February 2019) dated November 2018 and shall also include:

- a) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- c) Full details of the proposed attenuation and flow control measures;
- d) Site Investigation and test results to confirm infiltration rates;
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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

- 7 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 8 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.

- 8 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015.
- 9 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 9 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 10 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).
- 10 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 The vehicular access and footpaths (as shown on drawing number 1888/04 Rev B) shall be constructed prior to first occupation.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to the first occupation of the development a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the programme set out within the approved Travel Plan or any revisions to the Travel Plan that are first agreed in writing by the Local Planning Authority.
- 12 Reason: In the interests of sustainable movement in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 13 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 13 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 14 No above ground construction 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 or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 14 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 15 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

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

- 15 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 16 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely

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

- 17 The amount of B1(a) and/or D1 Use space shall not exceed 250 square metres. The first reserved matters application shall at least identify the land that these buildings and associated parking shall be sited upon either in a master plan or as part of the reserved matters details sought for approval.
- 17 Reason: The application has been assessed and determined on this basis; as well as to ensure the proposal complies with policies ENV2, EMP3 and COM4 of the East Cambridgeshire Local Plan 2015 in regards to ensure an appropriate level of provision and that it can be suitable accommodated on site.
- 18 The B1(a) and D1 uses hereby permitted shall take place only between the hours of 08:00 – 23:00 Friday to Saturday and 08:00 – 22:00 on Sundays - Thursdays, Bank Holidays and Public Holidays.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 Each reserved matters shall be supported by a Heritage Statement that provides a professional analysis of the proposal on the setting of the Grade I Listed Church (St Marys) from the Public Rights of Way that run through and to the north of the site.
- 19 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the Listed Building and its setting in accordance with policy ENV12 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to first occupation of any given phase (defined by reserved matters submissions) a scheme of providing broadband shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be fully implemented prior to first occupation in accordance with an agreed in writing phasing programme with the Local Planning Authority.
- 20 Reason: In order to provide superfast broadband to the future occupants (including working from home) in accordance with paragraph 112 of the National Planning Policy Framework and Growth 3 of the East Cambridgeshire Local Plan 2015.
- 21 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 21 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 22 No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction (including timeframe of implementation) is submitted to and

agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

- 22 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 23 Prior to or as part of the first reserved matters application, 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.
- 23 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 24 As part of the first reserved matters application the provision and details of the over 55's bungalows (4 – 6 dwellings) shall be provided. The development shall be completed in accordance with the approved details.
- 24 Reason: The application has been submitted and determined on this basis, as well as to ensure the proposal complies with HOU 1 of the East Cambridgeshire Local Plan 2015.
- 25 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 25 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

Our Ref: 3248

Your Ref: 18/01435/OUM

Mr Andrew Phillips
Planning Team Leader
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambs
CB7 4EE

18th July 2019

Application 18/01435/OUM - Land East of Clare House Stables, Stetchworth Road, Dullingham. Proposal for up to 41 new homes to include 12 new affordable dwellings, 250sqm commercial units (Class B1a office, Class D1 community uses), accessible bungalows, over 55's bungalows and public open spaces with public footpaths/cycle ways

Dear Mr Phillips,

On behalf of our client, Dullingham Parish Council, we write regarding the above planning application.

The Parish Council have already objected to the application and their comments contained within the responses dated 2th November 2018 and 17th December 2018 still remain valid considerations.

The parish council have considered the Horse Racing Industry Impact Assessment by Lichfields regarding the impact this development would have on the horse racing industry (HRI) and find it fails to address a number of points. Consequently, it has not been demonstrated that the proposed development is unlikely to result in an adverse impact on the long term viability of the HRI as a whole.

Policy EMP6 of ECLP recognises the importance of the HRI to the local economy, and states that it is important that development does not have an adverse impact on the industry. Development which harms the long-term viability of operational studs and other racing facilities, or the racing industry as a whole, will be resisted.

Equine development is broadly supported in the development plan however paragraph 5.6.3 of ECLP notes that wherever possible existing buildings should be re-used to avoid the cumulative impact of horse-related activities and associated buildings as this can have an adverse impact on the character and appearance of rural areas.

The loss of existing equine development to other uses should therefore be accompanied by robust evidence to demonstrate that an existing site is no longer viable. The submitted information is not considered to sufficiently demonstrate the site is no longer viable for equine use, as such the proposal fails to comply with Policy EMP6 of the East Cambridgeshire Local Plan (ECLP) therefore it should be refused.

The parish council wish to address matters of concern in relation to the Lichfields report which, where possible, are set out below in the order presented within the report.



Paragraph 2.3 and 2.4 - The table provided and the supporting comments provide clear evidence that the site is entirely viable for a number of different uses supporting the key equine industry in the local area as well as nationally and internationally. The parish council are of the understanding that the site was also used after 2003 until approximately 2008 as a breaking and pre training yard. There is no mention of this in the report.

Since 2008 the site has not been used commercially. The parish council believe there is clear demand for equine development and facilities that support the HRI in the locality and therefore fail to understand how this site cannot be viable. The illustration at figure 2.1 clearly demonstrates how the land operated for many years as a viable working yard seemingly up to 2008. No evidence is submitted with the report to explain why the site ceased its commercial operations and no evidence has been submitted to demonstrate it was no longer viable as a commercial interest. It is understood the current tenants are private and have been leasing the site since 2014. The report does not include any evidence of commercial marketing prior to the tenancy to demonstrate it is no longer a viable as a commercial operation.

Paragraph 2.5 - The parish council consider the current use should be given limited weight bearing in mind the occupants are tenants for private equine use of the land.

Paragraph 2.9 - As is quite clear from the history provided the site is currently in private use but it was clearly, as the report highlights, formerly used commercially for many years and there do not appear to be any viability grounds to prevent its future use as a facility to support the HRI.

Paragraph 3.1 - The report does not provide any evidence to demonstrate the site was purchased in 2008 with the intention of continuing the commercial use. As is demonstrated by the Lichfields report the site was purchased in 2008 and remained vacant until the current tenancy began in 2014. What was the reason for purchasing a viable commercial operation and allowing it to decline for 6 years?

Paragraph 3.10 - The parish council question the content of the report. To compare the site with those within Newmarket and the pre-eminent studs and other yards displays a lack of understanding of the industry, its component parts and divisions. Many industries are made up from specialists working to different scales and specialisations but this does not make any of them less important, they have to be seen as a whole.

To suggest that needs can be met by a reduced number of establishments' takes no account of the costs and/or charges, available capacity and as was seen with the equine flu outbreak the need for diversification and separation of businesses for disease control.

Paragraph 3.15.1 - The site on land East of Brinkley Road, Dullingham was approved on 16th May 2019 and allowed because of a shortfall of suitable HRI sites. The application was assessed on the basis that the submission information demonstrated the potential business enterprise, which included the construction of 20 stables and associated ancillary buildings, is likely to be successful and would support the existing equine and HRI. This clearly shows that the loss of Clare House Stables will likely have an adverse impact on the industry as whole as there is a clear demand for such facilities in the area to the extent that new business are flourishing.

Paragraph 3.25.1. The land has not been in HRI use since 2008 - however the Lichfields report does not fully explain why it has not been in use since this time and does not demonstrate the business was unviable and could not continue as a HRI facility from 2008 to date.

Paragraph 3.25.3. If the site could, theoretically, revert to a HRI facility with more land than other HRI developments in the area, the application should be accompanied by marketing evidence to demonstrate it is no longer a viable proposition. Paragraph 5.6.3 of ECLP refers to equine development and states:

“Wherever possible existing buildings should be reused”

Paragraph 3.25.6. This cannot be assumed to be the case as facilities are sometimes shared between different places if one is lacking in space.

Paragraph 3.26 - This loss of the site is adding to the lack of available facilities and reducing business and employment opportunities in a growing and vital industry. Clearly this is the case given the recently approved development for new stables and facilities at Brinkley Road.

Section 4 - The Lichfields report states in a number of areas how the HRI grew until 2008 and then, following a short decline, has shown continued growth. It should be noted that, while no direct link is made in the report, this is the time that Clare House discontinued operations following its purchase.

The parish council agree that the industry has and hopefully will continue to grow, but it is not possible to show the extra benefit that could be made had Clare House been operational since 2008.

Paragraph 4.17 - The fact that the industry is growing serves to demonstrate exactly why this development should be prevented as this facility could and should play a key part in the local economy.

Paragraph 4.18 - The existence of another business expanding is no justification for the development of Clare House Stables for housing, on the contrary it clearly demonstrates the viability of facilities related to the HRI and shows clearly why this site should be retained.

Paragraph 4.19-22 - Again the Lichfield report is quite clear that this is a thriving industry which is critical to the local economy in particular and could provide direct employment and support other related industry.

Paragraph 4.23-25 - The Lichfield report does indeed clearly show the importance of the HRI in the local economy hence the need to include a safeguarding policy within all past and current local plans.

The report goes on to state how the remaining part of the site could still be used in the HRI. This simply reinforces the fundamental recognition of the importance and potential viability of this site for use within the HRI.

For the reasons outlined above the Lichfield report does not demonstrate that the proposed development is unlikely to have an adverse impact on the operational use of an existing site within the HRI because:

- Whilst the site has been vacant since 2008 no evidence has been submitted to demonstrate the site is no longer viable for use in the HRI;
- No evidence has been submitted to demonstrate the site has been marketed for use in the HRI over the period of time between 2008 to 2014;
- No evidence has been submitted to demonstrate there is an oversupply of HRI facilities within the locality as such the Clare House stables would be unviable;

The applicant has failed to demonstrate the proposed development would not have an adverse impact on the long-term viability of operational studs and other racing facilities, or the racing industry as a whole.

The application is therefore contrary to Policy DMP6 of the East Cambridgeshire Local Plan and should be refused.

National Planning Policy Framework paragraph 11 explains at sub-paragraph d) that where a local authority cannot demonstrate a five year supply of deliverable housing sites, as is the case in East Cambridgeshire, those local policies which are most important for determining applications for **housing development are deemed 'out of date' and planning permission is to be granted for housing proposals unless**



i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Given the above, the limited benefits of the does not significantly and demonstrably outweigh this harm.

I trust the above comments will be taken into account and that you will inform me of the likely recommendation in due course.

Yours sincerely

FOR AND ON BEHALF OF WOODS HARDWICK PLANNING

Samantha Boyd MSc MRTPI
Associate

APPENDIX 3

EXTRACT TAKEN FROM ECDC PLANNING COMMITTEE MINUTES FOR THE MEETING HELD ON WEDNESDAY, 7TH AUGUST 2019

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

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

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

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

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

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

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

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

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

The main considerations in the determination of the applications were:

- Principle of Development;
- Housing Mix;
- Economic Sustainability;
- Residential Amenity;
- Visual Impact;
- Historic Environment;
- Highways and Parking;
- Ecology;
- Flood Risk and Drainage; and
- Infrastructure/S106/CIL.

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

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

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

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

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

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

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

Speaking of residential amenity, the Planning Team Leader reiterated that scale was not part of this outline consent. A design could be achieved at the Reserved Matters stage that preserved and protected residential amenity. Conditions could be added in connection with potential contamination and requiring the developer to submit a Construction Environmental Management Plan.

The gross density of the site was approximately 7.3 dwellings per hectare or 3 dwellings per acre and net density to be approximately 14 dwellings per hectare or 5 – 6 dwellings per acre; this was considered to be very low but appropriate for an edge of village location. The surrounding area benefitted from several cul-de-sacs and the development would be visually contained within the nearby built form. The proposal would need to preserve the character of the

Public Rights of Way as it was considered that the scheme would have an urbanising impact although it would maintain large areas of public open space. This would allow green fingers to remain within the development and connect to the public footpaths. In order to achieve a suitable design, the number of dwellings might need to be reduced in any reserved matters submission.

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

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

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

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

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

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

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

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

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

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

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

- She was speaking on behalf of the village;
- Up to 2015 there had been 308 houses plus infill. With the loss of the Local Plan there had been 10 houses completed and 6 infill properties as well as 27 other dwellings being discussed, representing an increase of 13%. This development would see that rise by another 25% and the village and its infrastructure could not take the increase;
- The Kings Head junction was dangerous and with the level of traffic using Station Road, there would be traffic jams;

- The trains to Cambridge from Dullingham are normally full and it would be a 35 minute walk from the development to the station. Alternative routes were not viable between 8.30am and 9.00am because of people taking children to school. The nursery staff parked at the Ellesmere centre;
- Buses were virtually non-existent;
- The site did not satisfy the criteria for infill as it was outside the development envelope and it would change the character and setting of the village;
- The site was a stud and had the potential for full animal related use. Building on it would change this and the Newmarket Horseman's Group felt that it should be marketed as an equine enterprise, as the site has been moth balled;
- Stetchworth Road already suffered from serious flooding, with polluted water ending up in gardens and there was not sufficient capacity to deal with the sewerage;
- The residents of Dullingham felt very strongly about this application and this was evident from the number of objections received.

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

- The proposal would deliver up to 41 homes and community space;
- The site was outside the development framework, but the Authority could not currently demonstrate a 5 year supply of land for housing;
- There would be no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal
- Dullingham was a medium sized village and had a school, a train station and was close to other settlements;
- The development site was adjacent to the village framework;
- EMP6 was relevant and set out the Council's approach, but it did not impose a blanket ban. A Horse Racing Industry assessment had been submitted and it concluded that the proposal would have no impact on the industry;

- All the stables and the access were to be retained and the remaining land was large enough for horse racing activities;
- The horse racing industry had increased during the time the application site was not in use and therefore the proposal would not threaten its viability;
- There had been no objections from the statutory consultees;
- The scheme would bring substantial benefits including housing for the over 55's, market and affordable housing and provision for small businesses or the community use building as well as biodiversity enhancements to the site. The balance in favour of approval had been triggered and Members were urged to accept the Officer's recommendation.

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

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

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

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

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

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

- She was an Associate Planner and was speaking on behalf of Dullingham Parish Council;
- The Parish Council had objected on numerous occasions;
- It was accepted that the Council did not have a 5 year land supply, but the NPPF advised that applications should not be approved if the adverse impacts significantly and demonstrably outweighed the benefits;
- The Local Plan said that Dullingham was likely to grow at a slow rate and development outside the envelope should only be allowed in exceptional circumstances - this was not;
- The site was an unsustainable location and the existing facilities would not meet the needs of the new residents. There was no shop or doctors and there were limited employment opportunities, train services were not regular and the buses were infrequent. People relied on their cars for the majority of journeys, so there would be increased traffic on the roads;
- Paragraph 103 of the NPPF stated that development should be focused on sustainable locations and this application was not meeting that core objective;
- A Travel Plan should have been submitted with the application;
- The development would have a harmful effect and extend out into the countryside. It would be prominent and have an urbanising effect on the village;
- An LVIA had been submitted by the applicant, but the Council did not have a specialist Landscape Officer in-house and one should have been employed.

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

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

- The village was not opposed to suitable development, but a 15% increase in houses was quite substantial;
- He had spoken to the Parish Council about a Community Land Trust;
- He had a number of points, the first regarding water. There had been flooding in the area and on 5th April the Environment Agency said the sewer pipe could be operating at capacity. Part of the site was in Flood Zone 3, and with 41 houses and commercial units, water retention would be put to the limit. The LLFA had removed its objections on 20th March 2019, but he had issues with this;
- With regard to transport, it seemed to him that Highways never objected. Stetchworth Road had blind bends, and with parked cars and the increase in traffic, it would cause issues. The Kings Head junction had poor visibility and was dangerous. Many of the houses on Station Road were built long before there were cars and residents therefore had to park on the road. It was used as a run from the A11 and the station and there were blind bends which made the road dangerous;
- The station was full up by 8.00am and since a charge was now made to use the car park, people were parking on the S bends;
- There was a danger that the views of the Grade 1 Listed St Mary's Church would be affected;
- He took the cynical view that just because the site had not been marketed for equine use, it was not to say that it was not needed.

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

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

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

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

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

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

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

Councillor Wilson commented that if Members refused the application, there would be no affordable housing. It was not as good as he would wish to see, but some affordable housing was better than none and he was therefore inclined to support the Officer's recommendation. He also commented that most

villages did not have a station and Dullingham does. With it only being an outline application, the full application could come back to Committee for discussion.

The point was also made that if planning permission was refused and the application was appealed, the Authority could potentially be liable for costs and the Committee did not have the budget for this.

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

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

Councillor Ambrose Smith commented that they built on agricultural land in Littleport, so what was the difference with building on stud land here.

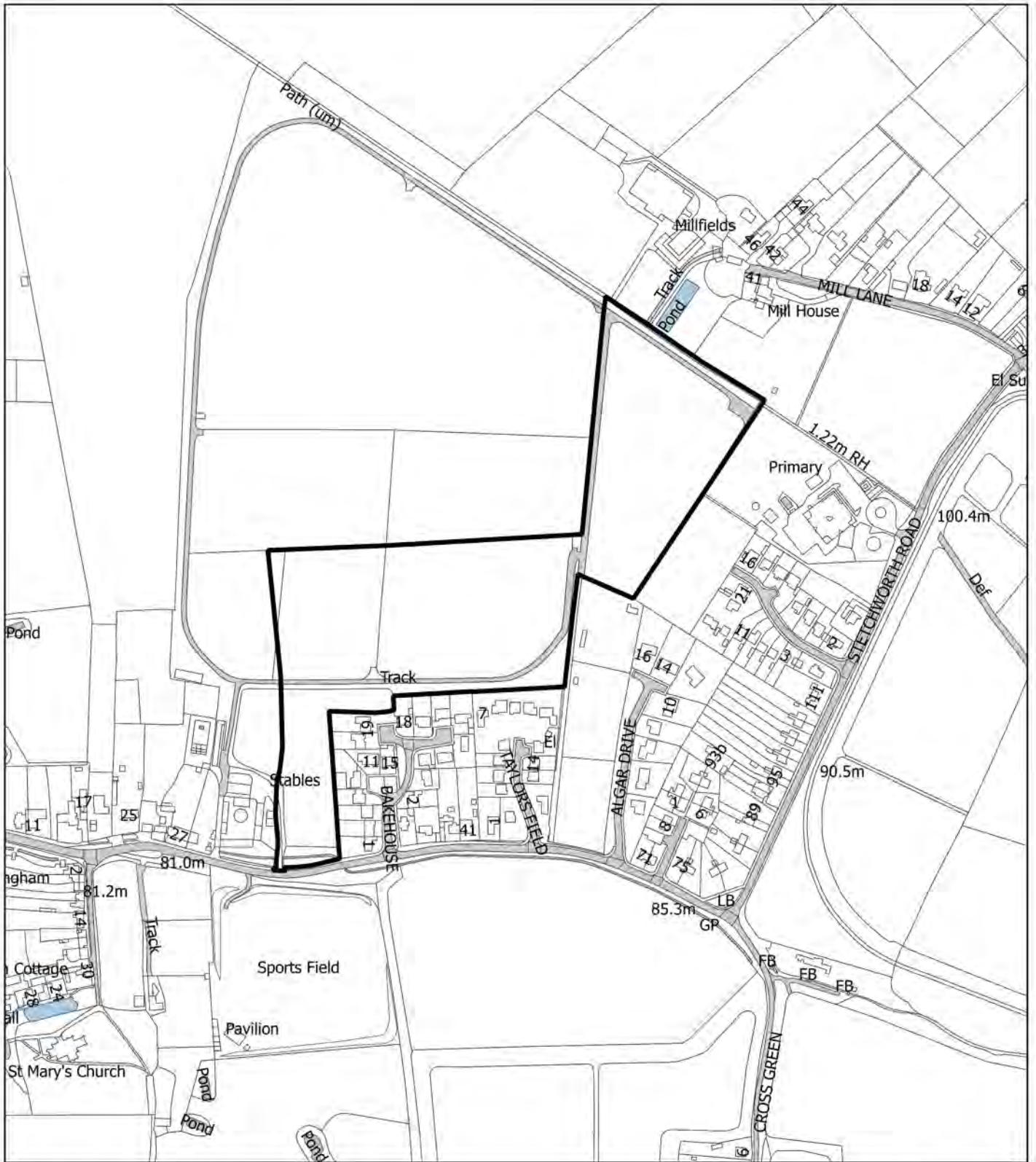
It was duly proposed by Councillor Schumann and seconded by Councillor Ambrose Smith that the Officer's recommendation for approval be supported. When put to the vote, the motion was declared carried, there being 8 votes for and 3 votes against.

It was resolved:

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

It was further resolved:

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



18/01435/OUM

Site East of Clare House
Stables
Stetchworth Road
Dullingham



East Cambridgeshire
District Council

Date: 14/10/2019
Scale: 1:4,500



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MAIN CASE

Reference No: 18/01777/OUT

Proposal: Proposed residential development 1 no. dwelling, access and associated site works

Site Address: Site West Of Mulberry House Barcham Road Soham
Cambridgeshire

Applicant: Mr & Mrs Tyler

Case Officer: Rachael Forbes, Planning Officer

Parish: Soham

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

Date Received: 2 July 2019
Expiry Date: 8th November 2019

[U102]

1.0 RECOMMENDATION

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

- 1) The proposed dwelling would be located within the countryside and by virtue of the distance from the main settlement of Soham, is considered to be in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of the proposed dwellings will be reliant on motor vehicles in order to access any local services or facilities. The proposal does not meet any of the special circumstances as identified in Paragraph 79 of the National Planning Policy Framework. The proposal is therefore contrary to Policies GROWTH 2, GROWTH 5 and COM 7 of the East Cambridgeshire Local Plan, 2015 and Paragraphs 8 and 11 of the National Planning Policy Framework, as it does not promote sustainable development.
- 2) The proposed dwelling would result in harm to the character and appearance of the area through the introduction of additional built form in an open countryside location. It would result in the creation of a tight knit row of dwellings with insufficient space between such as it would harm the present sporadic rural nature of the area which is characterised by relatively large houses set within spacious plots. This harm would be further exacerbated by the sheer scale of

the proposal. It is therefore contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 and the National Planning Policy Framework, which states that the planning system should contribute to protecting and enhancing the natural and built environment and recognising the intrinsic character and beauty of the countryside.

2.0 SUMMARY OF APPLICATION

- 2.1 Outline planning permission with some matters reserved is being sought for the erection of 1no. dwelling, access and associated site works. Matters of access and scale are to be considered as part of this application. Matters relating to appearance, landscaping and layout are reserved.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application has been called into Planning Committee by Councillor Alec Jones as he considers the application is quite finely balanced.

3.0 PLANNING HISTORY

3.1

17/00087/OUT	Proposed two 2 storey dwellings, garage, parking and associated site works	Approved	11.04.2017
17/01923/RMA	Reserved Matters for 2no. two storey dwellings	Approved	08.05.2018
18/01134/FUL	Construction of two storey detached dwelling and garage	Approved	07.12.2018
18/01637/FUL	Proposed residential development, access and site works including a bund	Approved	10.05.2019

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located between the A142 and Barcham Road on the northern edge of Soham and outside of the established development framework. The proposed dwelling would sit between two previously approved dwellings, which at the time of the case officer's site visit were nearing completion. Barcham Road is a single car width road with no pedestrian footpath or streetlights. A number of dwellings and rural businesses are regularly spaced along Barcham Road. There is an area of woodland and a pond located further to the north.

5.0 RESPONSES FROM CONSULTEES

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

Local Highways Authority - 30 July 2019

I have no objections in principle.

Visibility splays of 2.4m by 60m are detailed on plan. While this accords with similar approved applications in this area, I note that the available visibility splay extends a significant distance beyond within the public highway, more commensurate to what is required for a 60MPH road.

Conditions have been recommended.

8 October 2019

'I note that while layout is not committed at this time, that an indicative parking and turning area has been included on the site layout plan. This appears to be generally acceptable.

No changes appear to have been made to the access arrangements and I therefore have no further observations beyond those made previously'.

CCC Growth & Development - No Comments Received

Enforcement Section - No Comments Received

Waste Strategy (ECDC) – 8 July 2019

No objections.

Consultee For Other Wards In Parish - No Comments Received

Parish - 1 August 2019

The Parish Council have concerns about the application and commented:

'Outside development envelope. Questions raised about sustainability'.

Ward Councillors – Cllr Jones has requested the application be discussed at Planning Committee as the application is finely balanced.

ECDC Trees Team - 25 July 2019

‘No significant tree related issues with this application but a good quality soft landscaping scheme will be required to help assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015’.

The Ely Group Of Internal Drainage Board - 25 July 2019

‘The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District’.

5.2 **Neighbours** – A site notice was displayed and an advert placed in the Cambridge Evening News and 8 neighbouring properties were notified. One comment was received which states:

‘My husband and I wish to oppose the application for yet another property to be built at the land at the back of my garden, where we have lived for 20 years. The original planning at the land at the back of 32 The Shade was for 2 properties, with a shared driveway. Barcham Road has changed considerably since we moved to The Shade, and the road is getting busier and busier; what was once a quiet country lane is now a busy road - and this has affected wildlife and the community around it. We had no opposition to the 2 properties being built currently, but I feel adding another to the mix will be overkill - both properties already built have changed the outlook from the back of my house considerably, and we see no need for another property to be squeezed in between. This will increase vehicular traffic, more noise being created whilst the building is being constructed, and have no positive impact on the views from both our house and the a142/Barcham Road. We feel another building on the plot of land to the rear of our building will impact on privacy, noise, disturbance, and the character of a quiet rural lane, now fast becoming another estate on the outskirts of Soham.

If this application is approved, how many more will be approved along Barcham Road, and most specifically at the back of my property and garden. We are very anxious that if this is approved, then more applications will materialise taking away the current feel of the road, and making it feel less and less rural’.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1 Levels of housing, employment and retail growth

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

6.3 National Planning Policy Framework 2019

2 Achieving sustainable development

5 Delivering a sufficient supply of homes

9 Promoting sustainable transport

12 Achieving well-designed places

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

15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

7.1 The main considerations in the determination of this application are the principle of development, the character and appearance of the area, residential amenity, highway safety, ecology and drainage.

7.2 **Principle of Development**

7.3 Paragraph 78 of the NPPF, 2019 states that to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply; there is an essential need for a rural worker; the development would represent the optimal viable use of a heritage asset or would be enabling development to secure the future of heritage assets; the development would re-use redundant or disused buildings and enhance its immediate settings, the development would involve the subdivision of an existing residential dwelling or the design is of exceptional quality.

7.4 The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all local planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

7.5 It is necessary, therefore, to consider the benefits of the proposed development and weigh those against any adverse impacts in order to determine whether or not the development comprises sustainable development.

8.0 Sustainable Development

8.1 In economic terms, the proposal would result in the erection of one dwelling, which would count towards the Council's housing land supply deficit, however, it would not result in a significant reduction of this deficit. There would only be limited economic benefits from the erection of one dwelling to the local and wider economy through the construction of one new dwelling and the future spending of occupiers.

8.2 In respect of the social role, Barcham Road is a 60mph road with a single vehicle width and no pedestrian footpaths or streetlights. There is a limited bus service with the closest stop on the A142 and linking with Newmarket, Ely and Cambridge. From the proposed dwelling, the secondary school, library, sports complex and drama centre are all between 2 and 2.4 miles and would take approximately 40-50 minutes to walk to. The closest of the primary schools is approximately 0.7 miles and would take around 15 minutes to walk. However, the occupants would have to walk along the A142 and then cross a busy roundabout. This would mean that occupants of the proposed dwelling are very likely to depend on a private vehicle to access local services and facilities. There are numerous sites allocated for housing within Soham.

8.3 It is therefore considered that the proposal would not meet the social objective of sustainable development.

8.4 The limited economic benefit of the proposal would weigh in favour of the proposal, however the proposal does not meet the social objective of sustainable development.

8.5 However, Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways; these are an economic objective, a social objective and an environmental objective.

8.6 The environmental objective includes the impact of the proposed dwelling on the character and appearance of the area, which will be assessed in the 'visual amenity' section of this report. In accordance with the NPPF, planning permission should only be granted for sustainable development unless any adverse effects of doing so, would significantly and demonstrably outweigh the benefits of the development. This report will show that the proposal is not a sustainable form of development due to the impact on the environmental objective of sustainable development.

9.0 Visual Amenity

- 9.1 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 9.2 Matters of appearance, landscaping and layout are reserved as part of this application. The matters of access and scale are being considered at this outline stage.
- 9.3 The proposed dwelling would sit between two previously approved dwellings (originally approved under 17/00087/OUT and 17/01923/RMA and then the site to the north 18/01637/FUL and the site to the south 18/01134/FUL).
- 9.4 It was considered under the original outline application that *'the existing built form in close proximity to the site was generally characterised by dwellings located at staggered intervals and that the openness of the surrounding agricultural land contributed positively to the character of the area and the addition of two dwellings in this location, opposite a parcel of land with full planning permission granted for a dwelling would contribute to a sense of enclosing of that part of Barcham Road and would not be consistent with the existing street scene or rural and open character of the area'*. It is considered that the current proposed dwelling would result in further enclosure and further erosion of the openness and rural character in this countryside location through the introduction of further built form. This impact is further exacerbated by the sheer scale of the dwelling at a depth of 16 metres. It would also result in a group of three dwellings which would be contrary to the general pattern of sporadic development on Barcham Road.
- 9.5 It is noted that the officer report for 19/01923/RMA (reserved matters for 2no. two storey dwellings) that in relation to the character of the area that *'Due to the dwellings being relatively large in scale and located outside of the established development framework where they would be highly visible from the main road (A142) it is considered reasonable to append conditions removing permitted development rights for extensions, outbuildings, fences and gates etc. This will ensure that the Local Planning Authority retain adequate control over future development on the site, in order to ensure that any harm to the character and appearance of the area is minimised as far as possible'*. The red line boundary for application 19/01923/RMA included the land that is subject to this application. A similar condition was added to 18/01134/FUL for the site to the south and 18/01637/FUL for the site to the north.
- 9.6 In respect of scale, officers raised concern as the original proposal was tight to the boundary. The scale has now been reduced to move the development area away from the boundary by 3 metres each side. The plot is 978sqm which far exceeds the 300sqm building plot size stated in the Design Guide SPD and does not take up more than one third of the plot. However, the plot is narrow in comparison to the

neighbouring dwellings; the application site is 19.8 metres along the frontage, both of the neighbouring plots are approximately 32 metres across the frontage. The dwelling is proposed to be 13.8 metres in width, 16 metres in depth and 7.4 metres in height. The neighbouring dwelling to the north is 15.7 metres in width, 7.7 metres in depth and 7.1 metres in height and the dwelling to the south is 19 metres in width, 16.5 metres in depth at its deepest point and 7.4 metres in height. It is noted that both neighbouring dwellings have garages which are not included in the above measurements.

- 9.7 While the proposed dwelling is of similar dimensions to that of its neighbours, it is sited in a much narrower plot. The proposed dimensions of the dwelling are the dimensions of the hatched area shown on the plan. As scale is to be agreed at this outline stage, it is considered that if approved, the dwelling could be built to the size of the whole hatched area with little articulation, resulting in an inappropriate scale, bulk and mass.
- 9.8 While it is considered that the principle of a dwelling in this location is not acceptable and will result in harm to the character and appearance of the countryside, when assessing matters of scale, it is also considered that this is out of keeping with the neighbouring dwellings and will further exacerbate the visual harm.
- 9.9 The proposal is considered to result in further enclosure and therefore further erodes the openness and rural character in this countryside location through the introduction of further built form. It would also result in a group of three dwellings which would be contrary to the general pattern of sporadic development along Barcham Road and is therefore contrary to Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

10.0 Residential Amenity

- 10.1 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 10.2 Only matters of scale and means of access are for consideration at this stage. Appearance, landscaping and layout are not for consideration at this stage.
- 10.3 The dwelling to the north of the site has a small window at first floor level which serves a bedroom and a living room window at ground level on the south elevation. While the proposed dwelling is situated to the south of this dwelling and therefore may result in an overshadowing impact to the side elevation, both windows are secondary windows. Given this and the separation distance (from the area shown hatched) to the neighbouring dwelling is 8 metres, it is considered that the impact would not be significant.
- 10.4 There is approximately 8 metres between the proposed development and the garage of the dwelling to the south. There is approximately 18 metres between the proposed development and the dwelling itself. It is considered that these distances would be sufficient such that the proposal would be unlikely to result in a significant impact to residential amenity.

- 10.5 It is considered that a dwelling could be accommodated in this location without resulting in a significant adverse impact to neighbouring dwellings.
- 10.6 The proposed dwelling is in close proximity to the A142. Drawing number 19:048-2 rev B shows that the site benefits from an acoustic bund approved and constructed under planning permission 18/01637/FUL. It is considered that as with the two dwellings approved next door it would be possible to achieve acceptable internal and external noise levels such that the residential amenity of future occupiers would be protected whilst allowing for windows to be open. This would need to be secured by condition.
- 10.7 The site has sufficient space to accommodate the proposed dwelling with an acceptable level of amenity as set out in the Design Guide SPD. It is therefore considered that the proposal complies with policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

11.0 Highways

- 11.1 The site proposes access from Barcham Road and drawing number 19:048-2 rev B shows the provision of visibility splays measuring 2.4m x 60m. The plan shows two 2.5m x 6m parking spaces. Access is for agreement at outline stage.
- 11.2 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. The Local Highways Authority have been consulted as part of the application process and have commented that they have no objection in principle, subject to conditions, however they have reiterated the observations made in respect of application 17/00087/OUT, with regard to incremental development in this location, which were as follows:
- 11.3 *'It should be noted at this time that I am concerned with the increasing number of new dwellings along Barcham Road. There is a lack of infrastructure, sustainable travel and highways amenities. Although speeds are low, this is a 60mph road this is a single track road and there is no lighting or footways. Should this incremental development continue it is likely that it will result in the detriment to highways safety an increase in vehicle and pedestrian conflict and be unaligned with the ECDC Sustainability policies'*
- 11.4 Policy COM7 of the East Cambridgeshire Local Plan, 2015, paragraph 7.8.2 states that the planning and design process should ensure access to the site is safe and convenient to the needs of all users, including pedestrians, cyclists, bus and rail passengers, people with disabilities and occupants of vehicles are taken into account. This should include the provision of routes for walking and cycling in order to encourage sustainable forms of movement as an alternative to the car. As noted in the 'sustainable development' section, Barcham Road is a 60mph road, with no footpath or street lighting. These factors, combined with the distance to the village and larger settlements, the future occupiers are likely to be reliant on the use of the private motor vehicle and therefore it is considered that the proposal does not comply with policy COM 7 as it does not promote or encourage the use of sustainable transport.

11.5 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. The proposal demonstrates two adequately sized parking spaces and although layout is not for consideration, it is considered that there is sufficient space on site to accommodate parking and turning. The proposal is therefore considered to comply with policy COM 8 of the East Cambridgeshire Local Plan, 2015.

12.0 Ecology

12.1 Policy ENV7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.

12.2 The application form states that there is not a reasonable likelihood of protected or priority species, designated sites or geological features being affected by the proposed development. No ecological assessment has been submitted, however, the previous applications at the site have ascertained that the site is not of particular ecological importance and the last of these applications was approved this year.

12.3 It is considered that ecological enhancements could be secured via an appropriately worded condition. The proposal is therefore considered to comply with policy ENV 7 of the East Cambridgeshire Local Plan, 2015.

13.0 Flood Risk and Drainage

13.1 The site is entirely located within flood zone 1 and is therefore considered at the lowest risk of flooding and a location where residential development is acceptable in terms of flood risk. The application form states that surface water will be disposed of via soakaways, however, this has not been shown on the plan. It is therefore considered reasonable and necessary that a scheme for the provision of surface water drainage should be secured via condition, if the application were to be approved.

13.2 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.

14.0 Planning Balance

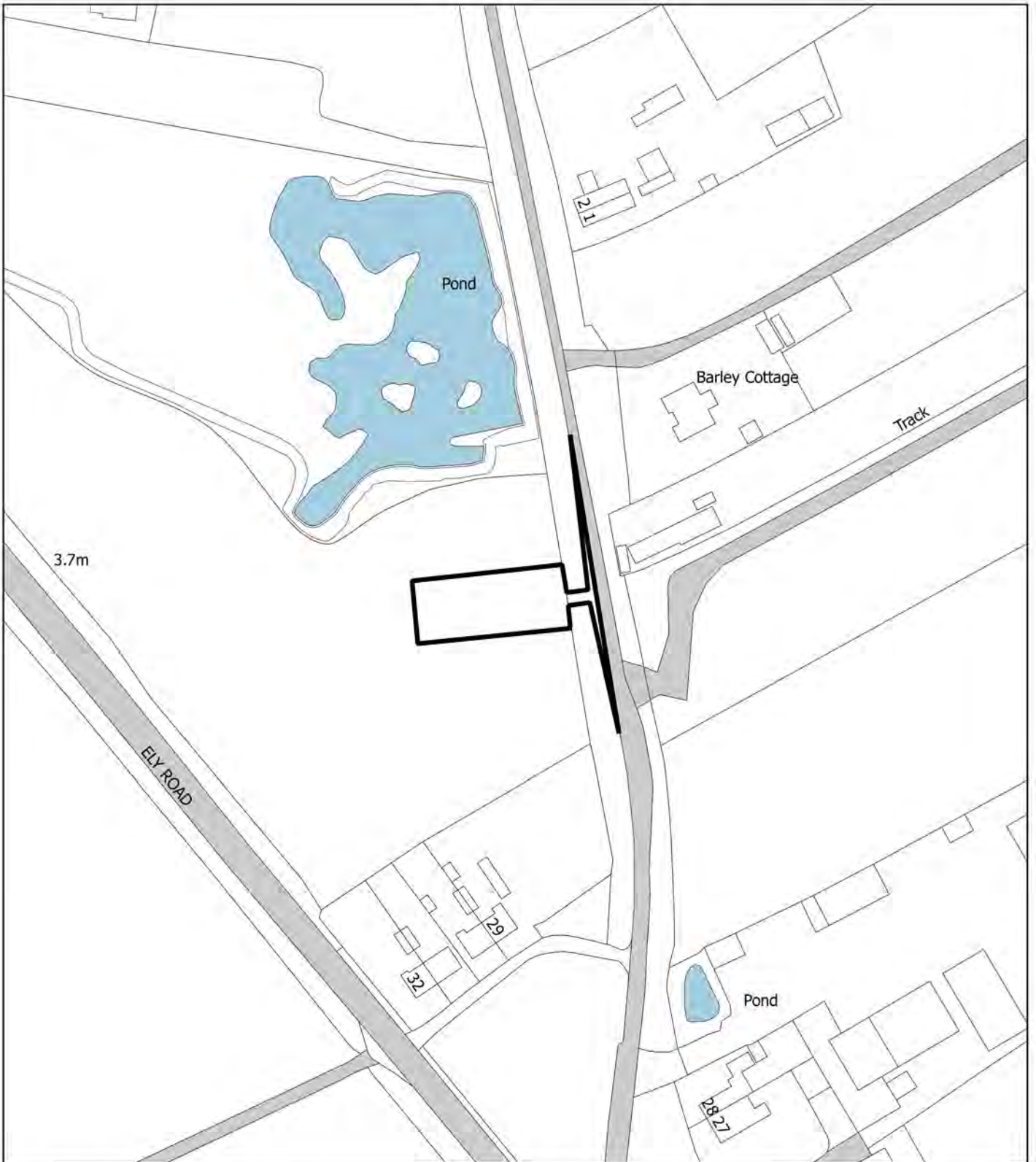
14.1 The location of the application site, significantly distanced from the established development framework and on a 60mph road with no footpaths or streetlights and is not considered to meet the social or environmental aspects of sustainability expected by the NPPF. The dwelling does not constitute an exception under paragraph 79 of the NPPF.

- 14.2 The proposal would provide very limited benefits to the district’s housing supply and to the construction trade. In addition, the proposal would not create any significant adverse impacts in respect of highway safety, residential amenity, ecology or flood risk.
- 14.3 In respect of the environmental objective of sustainable development, the plan shows that the proposed dwelling would be constructed to exceed building regulations performance and a parking space with an EV charge point has been shown. While it is considered that these are environmental benefits, the dwelling does result in further enclosure and therefore further reduces the openness and rural character this countryside location through the introduction of further built form which would give rise to significant and demonstrable harm to the character of the area.
- 14.4 It is considered that the benefits of the scheme would be outweighed by the significant and demonstrable harm which would be caused by the siting of an additional dwelling in an unsustainable location and increasing reliance on the car to give access to services and facilities. The unsustainable location of the site and the significant and demonstrable harm caused to the character and appearance of the countryside are given significant weight in the determination of this application.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01777/OUT	Rachael Forbes Room No. 011 The Grange Ely	Rachael Forbes Planning Officer 01353 665555 rachael.forbes@eastcambs.gov.uk

National Planning Policy Framework -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

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>



18/01777/OUT

Site West of Mulberry House
Barcham Road
Soham



East Cambridgeshire
District Council

Date: 14/10/2019
Scale: 1:1,500



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MAIN CASE

Reference No: 19/00214/OUM

Proposal: Residential development for up to 110 dwellings

Site Address: Land South Of 18 Wilburton Road Haddenham Cambridgeshire

Applicant: Land Allocation Limited

Case Officer: Angela Briggs, Planning Team Leader

Parish: Haddenham

Ward: Haddenham
Ward Councillor/s: Gareth Wilson

Date Received: 22 February 2019 **Expiry Date:** 11th October 2019

[U103]

1.0 **RECOMMENDATION**

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

1. Haddenham is one of the highest points in the Fens and the application site sits at a key vantage point in the District. From this part of Haddenham, there are attractive and locally valued views from the ridge down across the Fens to Cambridge, and the site takes in part of this existing vista. This is a highly distinctive landscape in the local area and is an important part of the setting, not only of Haddenham, but also of the Isle of Ely. This open and attractive vista also forms an important gap between Haddenham and Wilburton, with the highway between the two running along the top of the ridge.

Due to the existing landscape features, the topography of the area and the position of the public highways, the character of the area as experienced on the ground is a low density single frontage of development, punctuated by gaps affording views across the countryside beyond. This is not a hard edge, but a transitional zone, which provides an attractive setting for the village and is part of a locally valued landscape. The proposed development of this land would result in a significant adverse effect on the setting of the village and would be completely uncharacteristic of this part of Haddenham, contrary to Policy ENV1 of the East Cambridgeshire Local Plan, 2015. It would also be contrary to guidance contained within paragraph 170 of the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

It is considered that these adverse effects would significantly and demonstrably outweigh any benefits the development would bring in terms of helping to address the housing supply shortfall for the district, providing jobs and additional economic support for local businesses and providing additional affordable housing. It is also considered that the proposed development would directly conflict with the principles of chapter 15 of the NPPF 'Conserving and enhancing the natural environment'

2. The proposed development would introduce a new access onto the junction of Wilburton Road and New Road, also known as the A1123, which is the main highway through the villages of Wilburton and Haddenham, along the northern ridge. The proposed development would lead to the creation of an access on a stretch of classified highway where the principal function is that of carrying traffic freely and safely between centres of population. The vehicular movements associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of the principle function and introduce a point of possible traffic conflict, being detrimental to highway safety, and therefore the proposed development fails to comply with Policy COM7 of the East Cambridgeshire Local Plan, 2015, which seeks all new development to provide safe and convenient access to the highway network.

Furthermore, the applicant has failed to submit sufficient highway information to demonstrate that the proposed junction arrangement can be laid out and designed to the correct guidance and highways authority standards, and the application is not supported by a sufficient Transport Assessment or Road Safety Audit to demonstrate that the proposed development would not be prejudicial to the satisfactory functioning of the highway or highway safety. Also adequate pedestrian infrastructure has not been demonstrated to serve the proposed development. The proposed development is therefore also contrary to Policy COM7 of the East Cambridgeshire Local Plan, 2015 which seeks new large developments to be supported by a sufficient Transport Assessment if the proposals are likely to result in significant transport implications.

3. The application provides insufficient evidence in relation to the presence of Great Crested Newts and biodiversity net gain to demonstrate that the proposal can be delivered without detrimental harm to the ecology of the area. The application therefore fails to comply with Policy ENV7 of the East Cambridgeshire Local Plan, 2015 and paragraph 174 of the NPPF which seeks development proposals to pursue opportunities for securing measurable net gains for biodiversity.
4. The proposed development fails to mitigate against the impact on the existing primary healthcare within the village and Early Years education and therefore does not comply with Policy Growth 3 of the Local Plan which requires developments to make contributions towards infrastructure through financial payments, secured via a S106 legal agreement.
5. Housing developments of 100 or more dwellings will be expected to provide a minimum of 5% self-build properties. The proposed development fails to demonstrate that this quantum of development would form part of the

development proposal, and therefore is contrary to Policy HOU1 of the East Cambridgeshire Local Plan, 2015.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for up to 110 residential units on land to the south of 18 Wilburton Road, Haddenham. Approval is sought for access only as part of the application, with all other matters (appearance, landscaping, layout and scale) reserved.
- 2.2 The site covers an area of 4.14 hectares (approximately 10 acres) and is situated outside of the development envelope. An indicative site plan accompanies the application which indicates some landscaping features and an area of open space. The proposed access would be from the A1123 (Haddenham Road/Wilburton Road junction).
- 2.3 The planning history of the site consists of application 14/00130/OUM which was an outline scheme for up to 100 dwellings on this site, with access from Wilburton Road. This scheme also included the demolition of no.18 Wilburton Road to enable the access to be created in this location. This application was refused for four reasons which are summarised as follows:

1. The proposed development would result in an unsustainable amount of residential development, which would outstrip the increase in employment provision envisaged for Haddenham and place significant pressure of local infrastructure. The lack of employment, retail and leisure opportunities within the village coupled with the limited options in terms of public transport would result in an unsustainable pattern of development, encouraging high levels of out commuting by private vehicle. The development would also be contrary to the environmental strand of achieving sustainable development in the NPPF as the location of (*the site*) would lead to a car-dependent development and would therefore fail to reduce greenhouse gas emissions.
2. Haddenham is one of the highest points in the Fens and the application site sits at a key vantage point in the district. From this part of Haddenham there are attractive and locally valued views from the ridge across the Fens to Cambridge, and the site takes in part of this existing vista. This is a highly distinctive landscape in the local area and is an important part of the setting not only of Haddenham but also the Isle of Ely. This open and attractive vista also forms an important gap between Haddenham and Wilburton, with the highway between the two running along the top of the ridge.

Due to the existing landscape features, the topography of the area and the position of the public highway, the character of the area as experienced on the ground is a low density single frontage of development, punctuated by gaps affording views across the countryside beyond. This is not a hard edge, but a transitional zone, which provides an attractive setting for the village and is part of a locally valued landscape.

It is considered that these adverse effects would significantly and demonstrably outweigh any benefits the development would bring in terms of helping to address the housing shortfall for the district, providing jobs and additional economic support for local businesses and providing additional affordable housing.

3. The application provides insufficient archaeological information to enable the local planning authority to properly assess the nature and extent of the impact on potential archaeological remains within the site.
4. The application provides insufficient evidence in relation to foul water treatment infrastructure to demonstrate that the proposal can be delivered without detriment to the water environment.

2.4 The decision notice is attached in full as Appendix 1.

2.5 The application is accompanied by the following documents:

- Planning Supporting Statement
- Design and Access Statement
- Arboricultural/Tree Impact Assessment
- Flood Risk Assessment
- Contaminated Land study/Groundsure data
- Utilities Statement
- Transport Assessment
- Biodiversity/Ecological Assessment
- Statement of Community Involvement
- Open Space Assessment
- Odour Assessment
- Heads of Terms (S106)
- Foul Sewerage Assessment
- Affordable Housing Statement
- Archaeological Evaluation Report

2.6 A Landscape Visual Impact Assessment was submitted at a later stage (March 2019) and the Proposed Site Plan was amended to include further landscaping features (Rev E). A Cumulative Impact Study (dated July 2019) was also submitted in response to some of the consultee comments. Also a revised Preliminary Ecology Assessment was submitted which covers Great Crested Newts, a further bat survey report and a biodiversity net gain assessment (dated June 2019). A revised Flood Risk Assessment was submitted in May 2019.

2.7 An extension of time request until 11th November was sent to the applicant to allow the application to be considered at Planning Committee. The applicant has not agreed the extension of time request and therefore, the application will be determined outside of the previously agreed target date of 11th October.

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

Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.

2.9 This application has come to Planning Committee in accordance with the Council's Constitution as it is for over 50 dwellings.

3.0 **PLANNING HISTORY**

3.1

14/00130/OUM	Outline application for up to 100 residential units with all matters reserved except for means of access	Refused – 7 th August 2014
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4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site is located on the south eastern edge of Haddenham on land outside the development envelope. The site lies to the south of Wilburton Road (A1123), from which a single vehicular access is proposed.

4.2 The 'L-shaped' site covers an area of 4.12 hectares, and is predominantly arable farm land, classed as Grade 2 in the National Agricultural Land Classification, comprising two field parcels separated by a farm access track. There is an agricultural barn on the site between the two parcels of land. Part of the site (southern part) is situated within the Water Treatment Works Safeguarding Area.

4.3 The site does not have any local or national ecological designations and there are no registered public rights of way crossing the site or running along the boundaries. The site is situated within Flood Zone 1 and it is in an area of groundwater vulnerability.

4.4 The site sits on a ridge and the land falls away to the south. There are existing trees and hedges along parts of the eastern and western boundaries as well as the northern boundary with Wilburton Road. However, within the site itself, there is little in the way of hedges or trees.

4.5 The majority of the surrounding land to the north east and south is undeveloped agricultural land, with some scattered residential dwellings and other buildings. To the west is the village of Haddenham, with Orchard Way and the adjoining Pear Tree Close, immediately to the west of the 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.

5.2 **Local Highways Authority (Transport Assessment Team) - 19 March 2019**

Pedestrians

Wilburton Road has a footway on the northern side of the road which runs towards the main village. An adjacent footpath on the southern side of Wilburton Road starts

80m away from the site. The description of the pedestrian infrastructure is unacceptable. The Highway Authority requests the footway widths of Wilburton Road. The accessibility plan is not acceptable. The applicant is advised to provide a 2 km walking isochrone map using real routes, not as the crow flies. This will demonstrate what facilities are within walking accessibility from the site.

Cyclists

The description of the existing cycle conditions is unacceptable. The Highway Authority requests information about any local cycle routes, and if there are any national cycle routes close to the site.

A 5km cycling Isochrone map is required. The map must use real routes not as the crow flies.

Local Amenities

The Highway Authority advises the applicant to create a detailed list of local amenities with the distances from the site.

Public Transport

There is a bus stop on either side of Wilburton Road to the west of the site entrance, the bus stops have a flag and pole only. The description of the public transport infrastructure is unacceptable. The applicant is advised to list the distances to all of the bus stops near to the site and what the current infrastructure is. This includes bus stops on Wilburton Road and New Road.

The highway authority requests the applicant provides a list of the services which run to all of the local bus stops, as well as the frequency of services.

Existing Local Road Network

Wilburton Road has a carriageway width of 7.3m which serves part of the village of Haddenham.

New Road (A1123) to the North West, serves the remainder of the village. The A1123 to the east offers routes to A10 and Ely. The current speed limit of Wilburton road is 30mph.

The date the survey data was collected was 19th December 2018, this date is not acceptable for the collection of traffic data. The 19th December is the last day of the normal school autumn term, therefore universities and private schools will have already broken up for Christmas. Surveys need to be submitted which have been undertaken on a neutral day.

The survey locations are as follows:

- A1123 Wilburton
- Wilburton Road
- A1123 Haddenham

The applicant is advised to include a map detailing where the surveys locations were for clarity.

The distribution shows that development traffic will have an impact on the Hop Row/High Street priority junction and The Green/ High Street priority junction. The applicant is advised to survey the junctions.

Accident Data

The Highway Authority does not accept Crashmap as it does not contain the most up to date data.

The latest 60 months of accident data is available to request from Cambridgeshire County Council at etinfo@cambridgeshire.gov.uk

Current Situation and Likely Growth

The applicant states that there are no committed developments within the vicinity of the development. There is a currently a live planning application for 48 dwellings on Station Road, Haddenham. It is requested that the developer contacts the LPA to confirm there are no committed developos.

TEMPRO

It is requested that the applicant provided evidence of the method used to calculate TEMPRO

Growth rates, as the highway authority did not get the same results.

Parking

Car and cycle parking needs to be provided in accordance with East Cambridgeshire's parking standards.

Access Design

Access needs to be agreed with Geoff Ellwood
Geoffrey.Ellwood@cambridgeshire.gov.uk

Trip Generation

The Highway Authority does not accept the use of Irish sites in TRICS. The applicant is advised to choose sites which are comparable to the development which are not in Ireland/ Northern Ireland and Greater London. The Highway Authority has not reviewed the Trip generation because a review is required.

Trip Distribution

The use of census data to calculate distribution is acceptable.

The trip distribution flow diagram is acceptable for use.

Junction Analysis

The Highway Authority has not reviewed all of the junction analysis, as a review of the trip generation and committed developments is required. However, the applicant is advised to show the results of the junction analysis for

- 2018 current traffic conditions
- 2020 base (without development)
- 2020 base + committed developments
- 2020 base + committed developments + development traffic
- 2025 base
- 2025 base + committed developments
- 2025 base + committed developments + development traffic

The applicant is advised to include Hop Row/High Street priority junction and The Green/ High Street priority junction within the junction capacity analysis.

Please note, the inclusion of committed developments is dependent on the results of discussions with East Cambridgeshire District Council. As stated above.

The Highway Authority has not reviewed the flow diagrams due to a review of the trip generation and the committed developments required. The applicant is advised to review the flow diagrams to check for incorrect calculations, and to make a flow diagram for every junction analysis situation as stated above.

More information is required to justify the adjustment of flows due to seasonal differences.

Mitigation

The Transport Assessment should identify suitable measures to mitigate the impact of the development on the surrounding highway network. This should include any improvements for pedestrians and cyclists to access local facilities along with bus stop improvements.

The Highway Authority requires more information within the Transport Assessment, before any possible mitigation can be identified.

Travel Plan

It is advised that the applicant provides a travel plan for future residents. This can include welcome packs to inform new residents of the sustainable transport methods as well as subsidising bus vouchers.

Conclusion

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

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

5.3 **Local Highways Authority (Access and highway safety) - 9 April 2019**

It is noted that the Transport Assessment Team requires a significant level of additional information to properly assess the impact of the development on the local highway network; in turn, such information is required before we can fully assess the impact of the development of this site access and the adjacent junction/s.

Notwithstanding the above, in the submitted form the Local Highway Authority objections to this application, and would recommend refusal for the following reasons:

1. The application is not supported by sufficient highway and transport information, including dimensions, gradients/ levels, or vehicle tracking to demonstrate that the proposed development would not be prejudicial to conditions of highway safety.

2. As far as can be determined from the submitted information, the proposed access arrangements are unsatisfactory to serve the development by reason of inadequate visibility east of the proposed access, substandard width, alignment and geometry on the realigned Wilburton Road and at the junction with the A1123 Haddenham Road; the proposal would therefore be likely result in adverse manoeuvres on the public highway being prejudicial to conditions of highway safety.

3. Inadequate pedestrian infrastructure has been proposed to serve the development proposed.

Additional Comments:

- In order to facilitate this proposed development, extensive alterations to the existing highway would be required, as well as the dedication of land as highway maintainable at public expense.
- The site lies immediately adjacent to the A1123 Principal Distributor Road, the primary function of which is carrying traffic freely and safely between centres of population. Should the proposed junction arrangement be permitted it is likely that it will have a negative and adverse impact on the primary route, to the detriment to highway safety.

Accordingly, CCC undertook a Safety Assessment on the proposed junction layout to ascertain if the proposals comply with national guidance and CCC standards. The results of this assessment are outlined below. The proposed junction does not meet the Highway Authorities standards in regard to layout, vehicular and pedestrian safety and access visibility. Further, it is considered that inadequate information is provided to fully assess the proposals, particularly where access arrangements have been committed as part of the Outline application.

CCC Road Safety Assessment Comments:

1. No swept path analysis/ AutoTrack has been provided for the road realignment or junctions. This is required to demonstrate that all vehicles (including large commercial vehicles) can negotiate the highway network safely and simultaneously.
2. Traffic surveys included in the Transport Assessments were undertaken on the 19th December when traffic flows are unlikely to be typical of those throughout the year. Observation of traffic speeds on site suggests poor compliance with the posted speed limit. This is to some extent corroborated by the information in the transport assessment which indicates an eastbound 85th%ile speed of 36mph. It is also unclear however, how and where the speed surveys were undertaken; without this information, it is not possible to confirm that the data provided represents true free flow speeds approaching the proposed junction.
3. The achievable inter-vehicle visibility both east towards the A1123 and west along Wilburton Road do not meet with required standard and the Manual for Streets of 2.4m x 43m. The information provided fails to demonstrate that the deflection to be implemented will reduce speeds in line with visibility at the junction to achieve suitable Stopping Sight Distance (SSD). Failure to achieve this may result in vehicles turning out of the junction when it is not clear and safe to do so, increasing the risk of turning collisions.
4. There is a significant level difference between the existing highway and the development site. No indication of the final road levels have been provided to show how this will be accommodated in the new road alignment in relation to existing ground levels. Should the eye line from the vehicle waiting in the junction be lower than that from the existing carriageway level, it would further exacerbate the

junction visibility issue detailed above. No details of elevation or camber are provided, making it unclear whether vehicular traction will be maintained.

5. While unclear, at the A1123 junction it appears likely that an eastbound left turn only slip is intended, although left turn at the major junction is also apparent. This would place two junctions in very close proximity, introducing confusion and risk of misinterpretation of the road layout which may in turn result in shunt and turning type accidents on the A1123. This proposal would also require Traffic Regulation Orders such as “No Entry” and “Prohibition of right turn manoeuvres at the proposed left turn only junction, with no certainty that these could be achieved in the absence of appropriate consultation.

6. The means of access is committed as part of the Outline application, however, the drawings provided do not indicate any specific dimensions for carriageway /footway widths, road alignment or junction radii. The access road appears to be narrow and the information provided fails to demonstrate that there will be sufficient room for a vehicle to turn into the junction while another vehicle is waiting at the give way line. This may result in traffic waiting in Wilburton Road while the junction clears, which may result queuing back towards the New Rd junction. Westbound traffic entering Wilburton Road from the A1123 will have limited forward visibility of queuing vehicles, introducing a significant risk of shunt type collision for those entering the junction.

7. The information provided fails to identify where directional and chevron signing is to be relocated to accommodate the proposed change in road alignment and is unclear whether suitable positions exist that will preserve both conspicuity and function without risking obstructing junction visibility. Poor positioning of signing may result in road users failing to read the road correctly, especially during dark or inclement weather, which in turn may result in late braking and loss of control/shunt type accidents.

8. It is anticipated that there will be a significant pedestrian demand between the new development and the village centre that would see pedestrian flows increase towards both New Road and Duck lane. The information provided appears to indicate footways in proximity to the new junction on Wilburton Road, but fails to detail continuity of pedestrian route beyond this.

9. The detail appears to show a section of footway on the south side of New Road to the west of the Wilburton Road junction, which implies that pedestrians will need to cross New Road to access the footway on the northern side. Inter-visibility between crossing pedestrians and westbound traffic is restricted by the bend in the road, especially for those crossing from north to south. The plan fails to identify how pedestrians and other non-motorised users will travel between the new development and the north-western footway, although a natural desire line will exist from the eastern side of the new junction to the central island before crossing the westbound slip. It is likely that this movement will occur whether facility is provided here or not. Inter-visibility between approaching road users and crossing pedestrians will be limited by the bend in the road and will be particularly poor for those crossing from south to north. Failure to provide safe crossing points with adequate visibility between highway users is likely to result in high severity collisions.

10. The footways shown on the eastern side of the Wilburton Road junction appears to terminate in a location that is congested with street furniture; it is unclear how these will be accommodated in the new layout without compromising footway width.

11. The proposal as shown on plan NE1911-10-10 indicates the presence of a large BT surface box in the westbound lane of Wilburton Rd/ New Rd junction. Any reduction in differential skid resistance in the turning area will increase the risk of loss of control accidents, especially for two wheeled vehicles.

Further comments received – 15th October 2019

The applicant has failed to supply the required information or provide the necessary mitigations to overcome the highways authority's safety concerns or the impact on the highway network. As such I object to this application and would recommend refusal for the following reasons:

1. The application is not supported by sufficient highway information to demonstrate that proposed junction arrangement is laid out and designed to the correct guidance and highways authority standards
2. The application is not supported by sufficient highways Transport Assessment information to demonstrate that the proposed development would not be prejudicial to the satisfactory functioning of the highway or highway safety
3. The application is not supported by a sufficient highways Road Safety Audit report to demonstrate that the proposed development would not be prejudicial to the satisfactory functioning of the highway or highway safety
4. The proposed development would lead to the creation of an access on a stretch of classified highway where the principal function is that of carrying traffic freely and safely between centres of population. The vehicular movements associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of the principle function and introduce a point of possible traffic conflict, being detrimental to highway safety.
5. Inadequate pedestrian infrastructure has been proposed to serve the development proposed.
6. As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide the proposed site access arrangement and it is not entirely within highway extent.

In order to construct this proposed new access and alter the existing junction, third party land would be required, which has not been identified and this must be dedicated as highway to ensure highways safety and public access at all times. This aspect is outside of the remit of this application as it is not possible to secure or condition this land as part of this application.

5.4 **Cambridgeshire Fire And Rescue Service - 13 March 2019**

No objection subject to a condition requiring provision of fire hydrants.

5.5 **Cambs Wildlife Trust - 6 March 2019**

I have reviewed the Preliminary Ecological Appraisal and Bat Roost Potential Survey report accompanying the above application and consider further information is required before this application can be determined.

With regards to protected species, the ecological report concluded the site has potential to support great crested newts and bats and has recommended further surveys for these species. These additional surveys should be completed prior to the application being determined. This is in order to provide full information on the likely impacts on protected species, and inform appropriate mitigation measures, which may influence the design of the development. In line with best practice guidance (BS42020), all surveys should normally be completed before planning permission is granted, to establish the presence or absence of protected species and the extent to which they could be affected by the proposals, otherwise all material considerations might not have been considered in making the decision.

It should also be noted that as stated in the report there is a badger sett on site. No further badger surveys are required at this time, as the sett is currently not used, but a pre-commencement survey would be needed.

No assessment has been made of whether the proposed development can, in line with local and national planning policy, deliver a measurable net gain in biodiversity. The ecological report makes recommendations for biodiversity enhancements such as inclusion of native planting and installation of bird and bat boxes and there may be potential to deliver habitat creation and biodiversity enhancements within the proposed areas of open space. However, it appears unlikely from the proposed site layout that there is sufficient area for habitat creation and enhancement to deliver a net gain on site, and whether a net gain is achievable will depend on the detailed habitat creation and enhancement proposals and whether suitable management to sustain such habitats is viable in the future. I recommend that an overview of habitat losses and gains (ideally using a recognised biodiversity accounting tool such as the Warwickshire Biodiversity Impact Assessment Calculator) is provided to demonstrate whether and how this development can achieve a measurable net gain in biodiversity. This assessment should also be provided before this application is determined.

Comments received following additional information – 6th August 2019

Further to my previous comments on the above planning application, I am pleased to see the outstanding bat survey report has now been provided, and am satisfied with the conclusions and recommendations made. Should permission be granted, the recommended mitigation and enhancement measures in section 6 of the Bat Survey Report should be required by way of a suitably worded planning condition.

I note the further great crested newt surveys are still recommended in sections 4.3 and 6.1 of the Preliminary Ecological Appraisal, but as access to ponds adjacent to the site could not be obtained, this recommendation has been changed in the

remainder of the report and a precautionary approach is recommended instead. This is sufficient to minimise the risk of direct harm to great crested newts. However, it is still unknown whether there is a nearby population of great crested newts and therefore whether the loss of terrestrial habitat on the development site would have a negative impact on this species. In order to provide greater assurance that all potential impacts have been considered, it would be best to work on the assumption that newts may be present on the development site, and include creation of replacement terrestrial habitat suitable for newts within the scheme design.

With regards to delivering a measurable net gain in biodiversity, in line with national planning policy, I am pleased to see a Biodiversity Impact Assessment (BIA) calculator has now been submitted, however, unfortunately this includes unrealistic assessments of target conditions and time to target conditions, not in line with the guidance provided within the calculator (which is based on available evidence - see Habitat Details sheet of the calculator for more information) and therefore I do not consider that it has been demonstrated that a net gain in biodiversity can be achieved within the current proposed layout.

Further detailed comments are as follows:

- o Built environment: Gardens (lawns and planting) should normally be given a condition of poor, as these are normally of limited ecological value and gardens are not usually under the long-term control of the applicant and therefore it cannot be assumed that any condition greater than poor can be achieved in the long term. However, the time to target condition could be reduced.

- o Woodland habitats, including plantation, are likely to take more than 100 years before they approach good condition, with age and structural diversity in the canopy, understorey and field layers that support a range of native species. Therefore guidance recommends moderate condition in 32+ years is more realistic. Good condition for newly planted woodland on former arable land within 5 years is completely unrealistic.

- o Similarly, scattered trees take decades to develop features associated with good condition. Moderate condition within the 20 years proposed could be a more realistic target.

- o Amenity grassland should usually be given a target condition of poor. For some areas of amenity grassland, where it is possible to include seeding with a flowering lawn mixture, and a slightly less frequent mowing regime, moderate condition could be considered.

Revising the calculator to take account of the comments above shows a net loss rather than gain. Therefore further consideration is needed as to how/whether this proposal can demonstrate it can deliver measurable net gains in biodiversity.

5.6 **Cambridgeshire Archaeology (County Council) - 27 February 2019**

An archaeological evaluation carried out within the application area in 2014 identified significant archaeological remains predominantly focused around a sub-rectangular enclosure of late Iron Age/Early Roman date at the northern end of the site, as well as evidence for prehistoric activity including animal burials, overlain by extensive medieval ridge and furrow agriculture (Cambridgeshire Historic Environment Record reference ECB4264).

We therefore do not object to development from proceeding in this location but consider that the site should be subject to a further programme of archaeological investigation in mitigation of the development impact, and recommend that this should be secured through the inclusion of a negative condition.

5.7 Access Group - 6 March 2019

No objection.

5.8 ECDC Trees Team - 21 March 2019

The proposed open space adjacent the attenuation storage has no access point for either pedestrians or for maintenance operatives.

More tree planting will be needed especially along the field boundary.

What is the purpose of the green wall (hedge) across the site in line with the end of Pear Tree Close?

Without housing plotted on the submitted Proposed Masterplan it is not possible to assess the sites merits appropriately.

The housing plotted on Figure 3 of the Proposed Development Plan submitted as part of the BS 5837:2012 Tree and Hedgerow Survey Report leaves very little room for any substantial soft landscaping of the site.

The site ingresses a significant way into open countryside which is out of character for this part of the settlement, and not in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

A landscape assessment is also needed for this site.

I object to this development at the present time due to the concerns raised above.

Additional comments following amended layout plan – 24 April 2019

No further comments as no significant alterations have been made.

5.9 Landscape Consultant – June 2019

Object. Please see Appendix 2 for the full report.

Conclusion:

The LVIA concludes that the proposed development of the site can be well integrated into its surroundings (para 4.2.6). However, the above analysis indicates that the susceptibility of the site, to the type of development proposed, has not been sufficiently taken into account and that the overall landscape and visual effects have been underestimated. In particular it is noted that:

- the northern most elevated part of the site is important as a gateway and in providing rural elevated views to the Fens which reinforce sense of place.
- The mid slopes are the steepest and the most visually sensitive from the surrounding landscape and difficult to mitigate, forming open rural slopes that are a setting to the settlements and define their separate identity. Development on these slopes is not characteristic of Haddenham.

Development on the lower slopes and away from historic linear routes that lead to the Fen, is uncharacteristic of the historical development of the village. Based on existing information, it is considered that the proposed development will not be easily integrated and landscape effects would remain adverse in the longer term.

However, the Local Planning Authority may wish to clarify some elements of the scheme prior to determination by requesting the following information:

- Cross sections of the site to demonstrate building heights and tiering of roofscapes and effectiveness of mitigation planting.
- Assessment of views from Haddenham Road.
- Details of the new access arrangement at the northern part of the site.

5.10 **Environmental Health** - 27 February 2019

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

07:30 – 18:00 each day Monday – Friday
 07:30 – 13:00 on Saturdays and
 None on Sundays or Bank Holidays

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

I have read the Odour Assessment produced by deltasimons dated January 2019 which states it is unlikely that future residents will be exposed to odour concentrations above the relevant criteria. Judging by the Site Plan (as proposed) it would appear that the proposed site is a greater distance away from the Sewage Works than existing residential properties but despite this I cannot find a record of complaint concerning the sewage works. I see that Anglian Water have also been consulted on this application and I would expect them to raise any concerns they may have with the proximity of residential dwellings to their sewage works. At this time with the information available I have no issues to raise.

No other comments to raise at this stage but please send out the environmental notes.

5.11 **ECDC Scientific Officer** - 18 March 2019

Thank you for consulting me on the above application. I have read the Phase 1 Contamination Study prepared by Flood Risk UK dated January 2019 and accept the findings. The report recommends further site investigation to delineate the extent of any contamination. As this application is for a sensitive end use (residential) I recommend that standard contaminated land conditions 1 and 4 are attached to any grant of permission.

5.12 **CCC Waste and Minerals** - 19 March 2019

The planning statement does not appear to address the topic of waste or the relevant policies of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

A condition for a detailed Waste Management and Minimisation Plan is recommended in the event that your Council is minded to grant planning permission.

5.13 **Designing out Crime Officer (Police)** – 13 March 2019

Should Outline approval be given I have noted design and layout including security will be matters reserved.

My role as a Designing out Crime officer involves working with architects, developers and planning departments to design out crime and disorder. Promoting healthy and safe communities and reducing the vulnerability to crime. With the number of homes being planned for this development we would certainly suggest the applicant considers a Secured by Design application and we would work with them to achieve Gold certification

I have no further comments at this stage.

5.14 **Cambridgeshire and Peterborough Clinical Commissioning Group (NHS England)** – 19 March 2019

Conclusion:

- In its capacity as the healthcare provider, CAPCCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.
- Assuming the above is considered in conjunction with the current application process, CAPCCG would not wish to raise an objection to the proposed

development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

- The terms set out above are those that CAPCCG deem appropriate having regard to the formulated needs arising from the development.
- CAPCCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.
- CAPCCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

5.15 **Environment Agency** – 22 March 2019

No objection.

5.16 **Housing Section** - No Comments Received

5.17 **Waste Strategy (ECDC)** - 26 February 2019

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires two bins; this contribution is currently set at £43 per property.

5.18 **Anglian Water Services Ltd** - 26 March 2019

Foul Water Drainage – the foul water drainage from this development is in the catchment of Haddenham Water Recycling Centre that will have available capacity for these flows.

Surface Water Drainage - The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Insufficient evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require

confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval.

Anglian Water would therefore recommend a condition for a surface water management strategy if the Local Planning Authority is mindful to grant planning approval.

Additional Comments following amended Flood Risk Assessment – 18 June 2019

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

Additional comments following concerns raised by the LLFA – 18 September 2019

In response to the LLFA's concern we can confirm that we have assessed a surface water discharge connection at 5l/s to manhole 7751, as stated in the submitted Flood Risk Assessment.

We can confirm permission in principle subject to evidence being provided which demonstrates the surface water hierarchy has been followed.

5.19 **The Ely Group Of Internal Drainage Board** - No Comments Received

5.20 **Cadent Gas Ltd** - No Comments Received

5.21 **C P R E** - 3 April 2019

The proposal is not consistent with Policy ENV 1 of the 2015 Local Plan which states that:

"Proposals for development should be informed by, be sympathetic to, and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines.

Development proposals should demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance:

- The pattern of distinctive historic and traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal.
- The settlement edge, space between settlements, and their wider landscape setting.
- Visually sensitive natural and man-made skylines, hillsides and geological features.
- Key views into and out of settlements"

The proposal is not consistent with Policy ENV2 of the 2015 Local Plan which states:

“All new development proposals, including new buildings and structures and extensions and alterations to existing buildings and structures will be expected to:

- Protect important views into and out of settlements”

Sustainability

The Local Plan 2015, page 194, anticipated that 103 new dwellings would be built in Haddenham in the period up to 2012 -2031 on two allocated sites plus some infill sites. However, a successful planning application in 2012 granted permission for 24 affordable homes in Northumbria Close which put the village significantly ahead of its planned rate of development prior to the adoption of the Local Plan 2015. Since that date, another successful application for 59 homes, including 19 affordable, also outside the development envelope, at West End has further exceeded the planned number of homes for Haddenham. Two further applications, for 24 homes in Bury Lane and 48 homes in Station Road are in process. These sites alone, if all were granted, would exceed the planned development rate for Haddenham to 2031 of 103 dwellings, by 52 dwellings without considering known small infill sites or the two allocated sites in the Local Plan for 39 homes.

The majority of the adult working population of Haddenham commute out of the village by car. All secondary school students have to leave the village for schools in Witchford, Ely, Soham, Cottenham or Cambridge. To add a further 110 houses to the already excessive rate of growth does not represent sustainable development within the meaning of the National Planning Policy Framework (NPPF).

Health Services

We note the comments of the NHS Cambridgeshire and Peterborough Clinical Commissioning Group that no Health Impact Assessment has been provided and that “The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development.”. This adds to our concern that this development is not sustainable.

Traffic and Pollution

We agree with the Parish Council’s concerns that adding further commuter traffic to the already over-crowded local roads will increase both accident risk and unacceptable pollution. We know from local members that morning peak traffic already queues from Wilburton back to the site. We note the County Highways comment that both the traffic survey and the description of the public transport infrastructure are flawed and unacceptable.

In both Wilburton and Haddenham, the District Council is sufficiently concerned about the pollution levels on the A1123 and A1421 that routine monitoring has been introduced. This is supplemented by additional monitoring carried out by a local volunteer group. This group has previously carried out indicative monitoring of particulate (PM2.5) levels in Wilburton High Street which indicated a level at that time more than double the current EU limit value.

The EU Air Quality Directive (2008/50/EC) implemented in the UK as the Air Quality Standards Regulations (2010) states in paragraph (11) “Fine particulate matter (PM2,5) is responsible for significant negative impacts on human health. Further, there is as yet no identifiable threshold below which PM2,5 would not pose a risk.”

The crisis of particulate pollution in the UK is well documented in the Annual Report of the Chief Medical Officer 2017, the report of the Joint Committees of Parliament

“Improving air quality”, March 2018 and by two reports by UNICEF “A BREATH OF TOXIC AIR”, June 2018 and “HEALTHY AIR FOR EVERY CHILD”, February 2019. Latest data published in the Public Health Outcomes Framework, <https://fingertips.phe.org.uk/profile/public-health-outcomes-framework/data#page/1/gid/1000043/pat/6/par/E12000006/ati/101/are/E07000009>, show fractions of population mortality attributable to particulate air pollution. These range from lowest of 2.9 per cent to highest of 7 percent. Rural East Cambridgeshire at 5.2 per cent is already above the England average of 5.1 per cent.. At a time of national air pollution crisis, to propose developments which will increase car journeys by commuters is at best irresponsible.

Landscape

Housing on this scale on this site will have a significant negative impact on the long distance views of the Haddenham/Wilburton ridge from the south and south-east, in particular from the A10 and the B1049 Twenty Pence Road when travelling north from Cambridge.

These views are part of one of the most significant landscape features of the area marking clearly the scale of the Isle of Ely with the Haddenham ridge rising gradually out of the fen from the east near Stretham to the highest point of the Isle in Haddenham. As a previous Planning Inspector said of this landscape “It has a slightly mystical character that can change with weather conditions. The belts of trees as the land rises slightly towards the A1123 and the higher trees in linear order approaching the ridge add an almost Arcadian hint to the landscape character.”

This landscape must be respected and continue to be protected.

We have reviewed the late addition to the applicant’s submission in the form of the document titled “LANDSCAPE AND VISUAL IMPACT ASSESSMENT”. We find its choice of viewpoints and the images used deliberately obfuscating. We find its assessment of visual impact, particularly the long distance views, consistently under-rated.

Best and Most Versatile Land

The site consists of 4.05 hectares of Grades 2 and 3a high quality agricultural land, comparable to the best available in many parts of the country. (Grade 1 designation is reserved almost solely for the peat-based soils of the drained fens.) Anticipated sea level rise of at least 1 metre by 2080 in the Wash and hence the River Great Ouse, is likely to lead to the loss of much of the UK food supply as the fens become frequently and, eventually, permanently flooded. Such land is therefore an increasingly valuable national asset which must be protected and whose protection is already documented in the NPPF.

Speculative Development

In 2014 this site was the subject of a speculative development proposal by another company with no links to the local community. That application was refused and the reasons for that refusal have not changed. If anything, they have strengthened.

Conclusion.

CPRE Cambridgeshire and Peterborough objects to the proposed development for the reasons outlined above. We urge refusal of this proposal.

Please note that our submission is in respect of the proposed consultation. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any

responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

5.22 **Lead Local Flood Authority** – 14 march 2019

We have reviewed the following documents:
Flood Risk Assessment, Flood Risk UK. Dated: January 2019.

At present we object to the grant of planning permission for the following reasons:

1. No Greenfield runoff calculations

According to Section 5.14 of the Flood Risk Assessment (FRA), the allowable QBAR runoff rate for this site has been calculated at 3.8 l/s, however no Micro-Drainage calculations have been provided to support this.

2. Inappropriate discharge rates

The applicant plans to drain the proposed development into an existing Anglian Water surface water sewer. The allowable QBAR runoff rate for this site has been calculated at 3.8 l/s. However, it has been proposed to discharge at a rate of 20 l/s under the reasoning that this higher rate was agreed with Anglian Water for the same site in a previous application (ref: 14/00130/OUM). Anglian Water must be re-consulted and an updated agreement is required, as Anglian Water capacity may have changed since the original application was submitted in 2014. The LLFA is unable to support this drainage strategy until the discharge rate has been agreed with Anglian Water in formal writing.

Additional comments – 16 April 2019

We have reviewed the following documents:
Flood Risk Assessment, Flood Risk UK. Dated: January 2019.
Anglian Water Consultation Response, Anglian Water, 144679/1/0053150. Dated: 26th March 2019.

At present we maintain our objection to grant planning permission for the following reasons:

1. Anglian Water consultation required

The applicant is proposing to discharge into the existing Anglian Water sewer network at a rate of 20 l/s. Our previous objection letter requested that Anglian Water are consulted to acquire a principle agreement to discharge into their sewer system. However, the provided correspondence between the applicant and Anglian Water (ref: 144679/1/0053150) states that the surface water strategy/ flood risk assessment submitted with the planning application is unacceptable. Furthermore, Anglian Water must be re-consulted, addressing the points highlighted in their response, to gain permission to discharge into their system.

Additional comments – 13 May 2019

We have reviewed the following documents:
Flood Risk Assessment, Flood Risk UK. Dated: April 2019

Anglian Water Consultation Response, Anglian Water, 144679/1/0053150. Dated: 26th March 2019.

At present we maintain our objection to the grant of planning permission for the following reasons:

1. Anglian Water consultation required

The applicant is now proposing to discharge into the existing Anglian Water surface water sewer network at a controlled rate of 5 l/s, compared to the previous proposed rate of 20 l/s. However, our previous objection point which requested that that Anglian Water are consulted to acquire an agreement to discharge into their sewer system still stands. At present, the provided correspondence between the applicant and Anglian Water (ref: 144679/1/0053150) states that the surface water strategy/ flood risk assessment submitted with the planning application is unacceptable. Furthermore, Anglian Water must be re-consulted, addressing the points highlighted in their response, to gain a principle agreement to discharge into their system.

Additional comments – 19 September 2019

As Lead Local Flood Authority (LLFA) we are now able to remove our objection to the proposed development.

5.23 **Parish Council** – 20th March and 18th September 2019 (following amendment):

- Haddenham is one of the highest points in the Fens and the view across the ridge at the top of the development is highly distinctive. The view across the Fen to Cambridge is highly valued by local residents and also forms an important gap between the settlements of Haddenham and Wilburton.
- The site sits in open countryside and, contrary to Policy Growth 2 of the East Cambridgeshire Local Plan 2015, there is no justification to override the usual presumption of refusal of such applications.
- The proposal would be visually intrusive and would cause demonstrable harm to the character of the rural landscape. Its setting within the countryside would be contrary to the requirements set out by Policies ENV1 and ENV2 of the Local Plan.
- The proposed development would result in significant adverse effects on the setting of the village, contrary to ENV1 of the Local Plan 2015.
- This site was not one identified as a suitable development area when the recently withdrawn Local Plan was devised. Haddenham can demonstrate adequate housing supply elsewhere and this site is simply not appropriate; it is damaging and not required. Homes have recently been built in the Parish at Rowan Close, a planning application for 54 homes at the CLT site at West End has been approved, as has an outline plan for 34 homes off Chewells Lane, all of which were designated sites agreed in consultation with the Parish Council. Approving this application seriously undermines the work done to identify suitable housing land supply within the Parish.

- A development of this scale would result in an unsustainable amount of residential development for the area; especially when the sites already given permission are taken into account too.
- This proposal is sited on the village extremity with no connection to the rest of the village and as such would be difficult to regard as integrated.
- The limited employment opportunities within the village, coupled with very limited public transport serving the village, would force more commuters onto the already congested local roads.
- In relation to the above point, there is already a significant pollution problem along the A1121 through Wilburton, as many commuters make their way into Cambridge each day. The issue is worsening, and Wilburton Parish Council are now undertaking their own pollution monitoring as there are serious concerns to residents 'health.
- The proposal will result in a loss of residential amenity to neighbouring properties.
- The proposed access plans are not entirely clear and there are serious concerns that the visibility at the top of the hill would not be sufficient especially when combined with the existing junction. This could result in a dangerous junction to negotiate.
- There is already pressure upon both the local Doctors Surgery and Primary School. Development of 110 homes, along with those already approved, would not be sustainable for either of these local services.
- There has been no consultation with local people at all.
- The proposal directly contravenes the "Village Vision" and makes a mockery of "localism".
- There are concerns that the bottom of the development would be prone to flooding; the land here lies very wet.
- The National Planning Policy Framework seeks to retain high quality agricultural land. The land here is of very good quality and should be protected for future generations.
- The foul water system that serves this part of the village is already overworked and during the winter months regularly overflows.
- It should be noted that a very similar application at this site was refused in 2014 and the subsequent appeal was eventually withdrawn by the applicant. At that time, the District Council was in the same situation as now; without a 5-year land supply.
- The Council consider that these adverse effects would significantly and demonstrably outweigh any positives the development would bring to addressing the housing shortfall.

5.24 **Ward Councillors** – Councillor Hugo:

As a district councillor for the Haddenham ward I strongly object to this planning application and ask for it to be refused.

This application is essentially a resubmission in much the same location as 14/00130/OUM back in 2014. The application then was refused by ECDC planning authority and then on appeal the application was withdrawn when the then applicant was about to get the result they did not want! In 2014 as is the case today the

council did not have a 5 year supply of land and therefore the circumstances and main reasons for refusal are still valid today. I will not repeat all of them as they are well documented and I assume you will revisit those in your application review.

This site is outside the development envelope as defined by the ECDC local plan 2015 on edge of ridge; open countryside. To build a large housing site on this sensitive location would do demonstrable harm to the nearby existing residents and the countryside itself and would blur the defining gap between Haddenham and Wilburton villages.

Haddenham residents through its Parish Council and Ward Councillors cooperated fully with ECDC during the construction of the new Local Plan 2018 by agreeing to accept 10% in the village and indicating the locations it would prefer chosen from the land being offered by owners at that time. All of the accepted sites have now received planning permission with one exception where planning application is in progress. In all cases Haddenham Parish council has supported these applications. This is NOT one of those sites, would never have been supported by HPC if it were and as such is completely unacceptable to residents, Haddenham Parish Council and all 3 ward councillors. If permitted it would be a gross betrayal of localism as defined by the Localism Act 2011

Also in complete disregard to localism, the applicant has NOT engaged in any consultation with the community. This just shows that the applicant has absolutely no empathy with Haddenham or its residents. It's all about money!

In summary Haddenham has already agreed to take its fair share of housing to meet the shortage in the district. This is a completely unacceptable site for such a large number of houses and I ask you and the planning committee to support your residents who are relying upon ECDC to do the right thing by them and REFUSE this application.

Comments from Councillor Cheetham – 20 March 2019:

I strongly object to this planning application which would be visually intrusive form of development that would cause demonstrable harm to the character of the rural landscape and its setting within the surrounding countryside, contrary to the requirements of Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

From this part of Haddenham, there are attractive and local valued views from the ridge down across the Fens to Cambridge, and this site takes in part of the existing vista. The topography of the area and the exiting landscape feature means that there is no hard edge but a transitional zone, which proved an attractive setting for the village and is part of a locally valued landscape. This proposed development would result in a significant adverse effect on the setting of the village which is not only contrary to ENV1 of the Local Plan 2015 but would also be contrary to the guidance in paragraph 170 of the NPPF 20018 which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

It is clear that these adverse effects noted above would significantly and demonstrable outweigh the benefits the development would bring in terms of addressing the housing supply shortfall in the district.

I also note that the planning supporting statement details the reasons for refusal on the last application in 2014 but does not go on to deal with the reasons for this refusal but goes on to play out the normal, principle of development, tilted balance, sustainability, etc, etc!

5.25 **CCC Growth & Development** – 15 October 2019

Education contributions sought for Early Years, Primary Education, and Secondary Education. As no fixed number of dwellings have been confirmed, the total amount per contribution has not been provided and the figures shown in the tables are indicative only at this stage. The contributions can be confirmed at the Design Stage.

Early Years = £8,713 per place
Primary Education = £17,426 per place
Secondary Education = £23,875 per place.

5.26 **Neighbours** – 163 neighbouring properties were notified and the responses received are summarised below. 79 letters of objection have been received. Site notices were posted around the site and an advert was placed in the Cambridge Evening News. A full copy of the responses are available on the Council's website.

- Noise, light and dust impact from construction and car movements;
- Scale of development too big;
- GP practice is already full, no additional capacity;
- Local school is full with no additional spaces;
- Traffic congestion along the A1123 from the proposed development through Haddenham;
- Impact on public views;
- Impact on street scene;
- Contrary to Local Plan policies;
- Over-bearing impact;
- Visual amenity impact;
- No need for any more houses in Haddenham, since 2014 162 new homes have been approved;
- Impact on highway safety, more cars on the road, more air pollution;
- No mains gas in the area;
- No change from the 2014 application so should be refused;
- Unsustainable amount of residential development;
- Significant increased pressure on local infrastructure;
- Impact on Archaeology;
- Transport Assessment inaccurate;
- The proposal would change the rural character of Haddenham;
- The proposal would congest the A10 even more with more cars using it;
- Impact on broadband speed;

- Sewerage infrastructure is insufficient for extensive development; leads to odour problems;
- Impact on existing ecology; Habitat loss;
- No local jobs to support additional people;
- Loss of good agricultural land;
- Site is outside of the development framework;
- Single access point would increase noise levels in the area;
- Loss of privacy;
- Distinctive landscape character would be at risk;
- Lack of public engagement;
- Foul and surface water drainage problems;

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing Mix
HOU 2	Housing Density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and Water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

6.3 National Planning Policy Framework 2019

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

- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 **Principle of Development**

7.2 This application follows a previously submitted scheme in 2014 under Ref: 14/00130/OUM, for up to 100 dwellings with access included. The scheme included the demolition of no.18 Wilburton Road to create the access. The application was refused for four reasons, as stated under paragraph 2.3 of this report. This current application proposes residential development of up to 110 dwellings with access from the Wilburton Road/New Road junction. No dwellings are proposed to be demolished as part of this application. The physical site remains largely the same as it was in 2014. However, the most significant change is that the Local Plan has since been adopted and therefore is the principle development plan in which this application will be assessed against.

7.3 The proposed development is situated outside of the development envelope on unallocated land, and would therefore normally constitute a departure from the East Cambridgeshire Local Plan, 2015. Policy Growth 2 of the adopted Local Plan states that the majority of development will be focused on the market towns of Ely, Soham and Littleport. More limited development will take place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. Outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development will be restricted to the main categories listed within this policy, and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.

7.4 However, the Council currently cannot demonstrate a 5 year housing land supply and therefore the housing policies within the Local Plan are considered to be out of date and paragraph 11 of the NPPF (2019) states that development should be considered in the context of the presumption in favour of sustainable development. The presumption in favour of sustainable development is the golden thread throughout the NPPF and is echoed in Policy Growth 5 of the Local Plan. The sustainability or otherwise of a particular development proposal is therefore a key material consideration in determining planning applications, particularly in those cases where relevant housing policies are considered out of date, due to the absence of a five year land supply.

7.5 Paragraph 8 of the NPPF defines sustainable development as having three dimensions: Social, Economic and Environmental. These give rise to three key roles of the planning system. In practice the presumption in favour of development

means that development proposals should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies of the NPPF taken as a whole and against the policies of the Local Plan which do not specifically relate to the supply of housing, or whether any specific policies within the NPPF indicate that the development should be restricted.

7.6 The benefits of the development, against which any adverse impacts must be weighed, are: the contribution that it would make in terms of addressing the housing supply shortfall within the District as a whole, the economic benefits of construction and additional population to support local businesses, and the provision of affordable housing to meet the needs of the district as a whole.

7.7 In making this assessment of impacts against the benefits, the following material considerations are considered relevant:

Environmental Sustainability

- Impacts on visual amenity and the character of the countryside and the setting of Haddenham;
- Impacts on ecology and biodiversity;
- Impacts on the historic environment;
- Flood risk and drainage.

Social Sustainability

- Highway safety and accessibility;
- Impacts on residential amenity;
- Provision of affordable housing to meet district-wide need;
- Impacts on local services and infrastructure.

Economic Sustainability

- Economic benefits of construction industry jobs;
- Increased population supporting local businesses.

7.8 The importance of sustainable development emphasised within the NPPF are echoed within the policies within the adopted Local Plan, 2015. These policies do not specifically relate to the supply of housing and as such are still a relevant consideration in determining this application.

7.9 It is acknowledged that there is a need to support the villages within East Cambridgeshire, and in this respect, some limited growth can help to sustain local services and community facilities. This reflects the advice in the NPPF which seeks to support prosperous rural communities (paragraph 78). It is considered that the most sustainable path for the district is to focus development within the Market Towns, as identified in paragraph 7.3 above with more limited development in villages.

7.10 Haddenham is classified as a large village in the 2015 Local Plan and has a reasonable level of services, including a post office, several shops, a library, a

primary school, two public houses, 3 churches, a village hall, a sports and social club, a doctor's surgery, a pharmacy, an elderly day care centre and a number of public open spaces, including the recreation field (which has Queen Elizabeth II Field status). Haddenham is served by one regular bus service. Haddenham is a large village and is likely to continue to grow over the plan period, with new housing being built on suitable 'infill' and 'non-infill' sites within the village. Because of its ridge location (along Wilburton Road), any future residential development within Haddenham must have particular regard to the potential for visual impact on the surrounding countryside. These impacts are discussed in more detail in this report, however, the Local Plan has identified that Haddenham is capable of absorbing small-medium sized housing developments which can be successfully supported by the village. In this respect, it is not the sustainability of Haddenham as a village that is called into question, but the sustainability of the scale of the development proposed in this location.

- 7.11 Whilst there is some provision for public transport, the choice of travel times, particularly in relation to travel to Cambridge, is limited, and in reality it is unlikely to suit the majority of working patterns. In addition, although the small scale leisure and retail facilities within the village are likely to fall within a reasonable walking distance, people would need to travel to a larger centre, be that Ely or Cambridge, for more specialised retail and leisure needs. In this respect, it is again unlikely that the limited public transport options would be sufficient and the majority of journeys would be made by the private vehicle.
- 7.12 One of the reasons for refusal on the previous application related to the fact that this development would result in an unsustainable amount of residential development which would place significant pressure on local infrastructure when considered cumulatively with the other housing commitments in Haddenham. It is considered that whilst the proposed development would potentially result in an unsustainable amount of residential development and would encourage high levels of out commuting, the reason for refusal on the grounds of cumulative impact on employment provision and infrastructure, leading to out commuting by vehicles, is unfounded and a reason for refusal on the grounds of the unacceptable cumulative impact of the development on the employment provision and infrastructure, would be difficult to substantiate. However, a proposal of this scale, of up to 110 dwellings on this site would have adverse impacts on the wider environments for the reasons which are discussed in greater detail in this report.
- 7.13 In terms of the impact on local services and infrastructure such as healthcare and education, these could be mitigated by financial contributions, secured as part of a S106 legal agreement. The Heads of Terms submitted as part of the application, only covers Primary and Secondary education.
- 7.14 **Visual Amenity and Impact on the character of the countryside**
- 7.15 The application site is located on the eastern edge of Haddenham on predominantly undeveloped land, which falls towards the south, as part of a ridge running east-west between Haddenham and Wilburton. Whilst the site is not covered by any landscape quality designations (there are no such designations in East Cambridgeshire), the site makes a significant positive contribution to the setting of the village and this transitional character between the villages.

- 7.16 Haddenham is one of the highest points in the Fens and the application site sits at a key vantage point in the district. From this part of Haddenham there are attractive and locally valued views from the ridge down across the Fens to Cambridge, and the site takes in part of this existing vista. This is a highly distinctive landscape in the local area and is an important part of the setting not only of Haddenham but also of the Isle of Ely. This open and attractive vista also forms an important gap between Haddenham and Wilburton, with the highway between the two running along the top of the ridge (A1123).
- 7.17 Policy ENV1 of the Local Plan, 2015 recognises the importance of the edge of settlement locations and requires developments to demonstrate that their location, scale, form, design, materials, colour, edge treatments and structural landscaping will protect, conserve and where possible enhance the settlement edge, space between settlements, and their wider landscape setting. This is also echoed in Chapter 15 of the NPPF – Conserving and enhancing the natural environment.
- 7.18 A Landscape Visual Impact Assessment (LVIA) was submitted in March following comments from the Council’s Tree officer that one should be submitted given the scale of the development and the potential visual impact of the proposal. The Council requested the input of an external Landscape Consultant to review the document and to allow a more comprehensive analysis to be undertaken of the LVIA. The consultant’s comments are summarised in paragraph 5.9 of this report and attached as appendix 2. However, in her conclusions the consultant states that:
- “The LVIA concludes that the proposed development of the site can be well integrated into its surroundings (para. 4.2.6). However, the above analysis indicates that the susceptibility of the site, to the type of development proposed, has not been sufficiently taken into account and that the overall landscape and visual effects has been underestimated. In particular it is noted that:*
- *The northern most elevated part of the site is important as a gateway and in providing rural elevated views to the Fens which reinforce sense of place;*
 - *The mid slopes are the steepest and the most visually sensitive from the surrounding landscape and difficult to mitigate, forming open rural slopes that are a setting to the settlements and define their separate identity. Development on these slopes is not characteristic of Haddenham;*
 - *Development on the lower slopes and away from historic linear routes that lead to the Fen, is uncharacteristic of the historical development of the village.*
- Based on the existing information, it is considered that the proposed development will not be easily integrated and landscape effects would remain adverse in the longer term”*
- 7.19 The consultant ends by suggesting how additional information could be submitted to show cross sections of the site, assessment of views from Haddenham Road and details of the access arrangement at the northern part of the site. The agent was aware of this review when it was published but no further details have come forward in support of this issue.

- 7.20 In terms of visual effects of the development, vegetation along the southern side of Wilburton Road partially restricts views of the site on the approach to the village from the east. However, this vegetation, which does not benefit from any special protection, does not prevent all views across the site, nor does it diminish the importance of this particular landscape. In addition, the development would be clearly visible from Wilburton Road, and there would be views from users of the southern section of Lode Way.
- 7.21 It is considered that based on the conclusion from the Landscape Consultant, the proposal would have a long term negative impact on the character of the existing historic landscape. Furthermore, the applicant has failed to demonstrate (and in the absence of further information) that the visual landscape impact can be mitigated through this proposal. The LVIA in its conclusion recognises that, *“initially the effect of new planting will be limited. In the long term the scale of effect of the proposed development on the landscape receptors identified will reduce to Moderate or Minor Adverse with a Minor Beneficial effect on the level of vegetation within the site which will improve both the ecological and recreational value of the site”* From this statement, it is considered that the proposed development would have a high adverse impact because any quantity or quality of landscaping would not be able to successfully integrate with the surrounding area, nor mitigate against the significant visual harm on the open countryside character of the area.
- 7.22 The proposed development, in the case of visual amenity and the character of the countryside, is considered that the adverse effects would significantly outweigh the benefits the development would bring in terms of helping to address the housing supply shortfall for the district, bringing affordable housing and associated economic benefits. It is therefore considered to be contrary to the aims and objectives of Policy ENV1 of the East Cambridgeshire Local Plan, 2015, and the principles of Paragraph 170 of the NPPF which seeks all new developments to enhance the natural and local environment through protecting and enhancing valued landscapes.
- 7.23 **Highways Safety and Accessibility**
- 7.24 Means of access is included as part of this outline application. The proposed access would be from the junction of Wilburton Road and New Road, also known as the A1123, and a new junction would be created to serve the development for up to 110 dwellings along the northern ridge of the site. Currently, the A1123 continues through Haddenham along New Road, or you can veer towards the centre of Haddenham via Wilburton Road. On entering Wilburton Road there is a ‘Give Way’ junction which gives priority to on-coming traffic from Haddenham, leaving the village. Only one access would serve the proposed development and the access would result in a reconfiguration of the existing junction at Wilburton Road and New Road. A Transport Assessment has been submitted as part of the application and this has been considered by the Transport Assessment Team at the County Council. Their comments are summarised in paragraph 5.2. The Transport Assessment shows how the proposed development would impact on the wider highway network, including cycle and pedestrian networks, and current public transport provision.
- 7.25 Policy COM7 requires all new developments to be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport

appropriate to its particular location. Development proposals shall also provide safe and convenient access to the highway network and be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality. This is also reflected within paragraphs 108 and 109 of the NPPF.

- 7.26 The proposed access has also been assessed by the Highways Officer in terms of whether an access at this location can be safely delivered without harm to road users and whether it is sufficient to serve a development of up to 110 dwellings.
- 7.27 The County Council Highways Team have advised that the proposed access and the impacts of the proposed development on the wider highway network would be significant. The application has failed to demonstrate that the proposed development would be able to deliver a safe access without leading to conflict and interference with the passage of through vehicles to the detriment of the principle function and introduce a point of possible traffic conflict. Furthermore, the applicant has failed to submit sufficient highway information to demonstrate that the proposed junction arrangement can be laid out and designed to the correct guidance and highways authority standards, including adequate pedestrian infrastructure, which has neither been sufficiently evidenced within the Transport Assessment nor a Road Safety Audit.
- 7.28 The Highways Authority, in their comments, also discuss cyclists and pedestrians. The Transport Assessment includes this analysis as part of their case in favour of the proposal. However, the Highways Authority disagree with their assessment and considers that the description of the pedestrian infrastructure is unacceptable and that further accurate information regarding the current footways from the site into Haddenham, are submitted. Likewise the information relating to the existing cycle conditions is considered to be unacceptable and further information relating to cycle routes should be submitted. The applicant has not come forward with this additional information and as such fails to demonstrate that the proposal would improve the cycle and pedestrian infrastructure.
- 7.29 Therefore, in terms of highway safety and accessibility, the proposal fails to demonstrate that a suitable access and adequate pedestrian infrastructure can be achieved, and that there would be no adverse harm to the existing highway network, contrary to Policy COM7 of the East Cambridgeshire Local Plan, 2015, and the principles of paragraphs 108 and 109 of the NPPF, 2019.
- 7.30 **Biodiversity and Ecology**
- 7.31 Policy ENV7 of the Local Plan is relevant and requires all new development proposals to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. Also to provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable, and maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. Further emphasis of these principles are stated within paragraph 174 of the NPPF. Paragraph 170(d) emphasises the need to minimising impacts on and providing net gains for biodiversity.

- 7.32 In terms of biodiversity, the application is accompanied by a Preliminary Ecological Appraisal and a Bat Roost Potential Survey report. The bat survey focussed on the existing barn building located in the middle of the landscape, which would need to be demolished as part of the proposal. Following comments from the County Wildlife Trust, further surveys to include Great Crested Newts and a further bat survey were recommended before the application could be determined. These documents were submitted in July. The Preliminary Ecological Appraisal was extended to include Nesting Birds, Great Crested Newts, Bats, Badgers and Brown Hare. A Biodiversity Impact Assessment Calculator, which consists of a collection of data, was also submitted to assess the biodiversity net gain value of the proposal. These documents were sent to the Wildlife Trust for further comment.
- 7.33 In terms of the bat survey, the report concludes that the existing barn was assessed as having low roost potential for bats. No bats were observed emerging from any of the features identified on the building and the dusk survey did not indicate any signs of roosting, such that a bat roost was considered likely to be silent. However, the first bat recorded on site was 23 minutes after sunset, therefore, it is anticipated that there is bat roost within proximity to the site. Furthermore, the hedgerows on the eastern and western boundaries are considered to be an important linear feature for bats and it is likely that they would use it to commute onto and through the site, as well as for foraging purposes. In terms of mitigation, the report proposes three recommendations: A Precautionary Working Methodology, A Lighting scheme for the site to prevent any adverse impact on roosting, and a Post Development Enhancement Plan. These recommendations have been accepted by the Wildlife Trust.
- 7.34 In terms of the extended Preliminary Ecological Appraisal, it was recognised that Great Crested Newts may be present on site and further surveys have been recommended, but as access to the ponds adjacent to the site could not be obtained, this recommendation has been changed, and a precautionary approach is recommended instead. This is sufficient to minimise the risk of direct harm to great crested news. However, it is still unknown whether there is a nearby population of great crested newts and therefore whether the loss of terrestrial habitat on the development site would have a negative impact on this species. Brown hares and badger sets have also been recorded on site. Advice from the County Wildlife Trust requests that further Great Crested Newt surveys should be undertaken but no concerns were raised in regards to the badger sets or brown hares. However, the Wildlife Trust still raises concerns regarding the overall biodiversity net gain based on the data submitted (Biodiversity Impact Assessment Calculator). The applicant has not demonstrated that the proposed development can achieve a biodiversity net gain value on the site because the data used in the assessment is unrealistic and not in-line with the guidance provided within the calculator. The Wildlife Trust has therefore advised that the proposal does not demonstrate that a net gain in biodiversity can be achieved based on the current illustrative proposal layout.
- 7.35 Further details demonstrating that the proposed development could achieve a biodiversity net gain has not been submitted and as such it is considered that the proposal has failed to comply with Policy ENV7 of the East Cambridgeshire Local Plan, 2015, and paragraphs 170 and 174 of the NPPF.
- 7.36 **Archaeology**

- 7.37 Policy ENV14 of the Local Plan is relevant and seeks all new development to have regard to their impacts upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains, heritage assets and their settings. The policy also requires submission of an archaeological evaluation of significance to be submitted. These principles are also echoed in paragraph 189 of the NPPF.
- 7.38 In terms of archaeology, this was significant in the previous application and formed the third reason for refusal (see Appendix 1). The site has archaeological significance and therefore must accord with Policy ENV14 of the Local Plan. This application is accompanied by an Archaeological Evaluation which has been assessed by the County Council Archaeology team who have raised no objections subject to a condition requiring a Written Scheme of Investigation.
- 7.39 It is therefore considered that in terms of archaeology, the proposal is acceptable and complies with the aims and objectives of Policy ENV14 of the East Cambridgeshire Local Plan, 2015 and paragraph 189 of the NPPF.
- 7.40 **Flood Risk and Drainage**
- 7.41 Policy ENV8 of the Local Plan requires all developments to contribute to an overall flood risk reduction. Paragraph 155 of the NPPF also emphasises the need to divert development away from high flood risk areas.
- 7.42 The site lies within Flood Zone 1, which is an area of low flood risk and where development should be directed to. Due to the scale of the proposed development (over 1ha in size) a Flood Risk Assessment (FRA) is required. A FRA accompanies the application and has been assessed by the Environment Agency (EA), the Lead Local Flood Authority (LLFA) and Anglian Water. A Foul Sewerage assessment has also been submitted as part of the application.
- 7.43 The LLFA raised concerns with the initial drainage submission and requested more information relating to Greenfield run-off calculations and confirmation from Anglian Water regarding the proposed water discharge rates. Anglian Water have confirmed that the discharge rate of 5 l/s is acceptable and the FRA/foul water drainage assessments are acceptable. The LLFA have now removed their objection as Anglian Water are satisfied with the drainage information. The EA raise no objection in respect of the FRA.
- 7.44 It is therefore considered that in terms of flood risk and drainage, the proposed development complies with Policy ENV8 of the East Cambridgeshire Local Plan, 2015 and paragraph 155 of the NPPF.
- 7.45 **Residential Amenity**
- 7.46 The application is outline only (includes access). Matters such as appearance and scale are both reserved for the future as part of a reserved matters application, if outline permission is granted.

- 7.47 There are a number of residential dwellings in close proximity to the site, namely no.40 Haddenham Road, to the east, and 18 Wilburton Road to the west. The site then wraps around the boundaries of the properties of Pear Tree Close and Orchard Way. No. 40 Haddenham Road sits on a relatively large plot and has been extended to the rear quite extensively. The change from an undeveloped piece of agricultural land to residential development would clearly have an impact on the outlook and setting of these properties and those towards the front of the development will be likely to experience an increase in activity from the occupants of that development using the main access point. The proposal does not include an indicative housing layout as such, however the master plan illustrates that there would be sufficient space to adequately mitigate for any adverse impact with the use of soft landscaping and sufficient set back distances.
- 7.48 Objectors have raised concerns about noise and disturbance from the additional traffic movements to and from the site. It is considered that there would be an increase in traffic noise as a result of people entering and leaving the new development. However, the new access (as shown on the indicative plan) would be sufficiently distant from those properties in Orchard Way and Pear Tree Close to ensure that there would not be a significant adverse effect on residential amenity.
- 7.49 The Council's Environmental Health Officer has reviewed the application and is satisfied with the submitted odour assessment and has recommended conditions relating to construction hours and submission of a Construction Environmental Management Plan as part of any permission. The Council's Scientific Officer has also reviewed the Contaminated Land report and is satisfied with the conclusions and has recommended conditions relating to the submission of a full land contamination report and a condition requiring the developer to make us aware of any future sources of contamination during construction. The proposal therefore complies with Policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 7.50 The size of the gardens on the adjacent existing housing estates (Orchard Way and Pear Tree Close), along with the scope for a sensitive layout within the site itself also indicates that it would be possible to achieve a design and layout that would enable sufficient separation distances to prevent any adverse effects on residential amenity in terms of overlooking, or buildings being overbearing, and to comply with the guidelines contained within the Design Guide SPD. It is therefore considered that the Local Planning Authority could not object to the proposal on the grounds of residential amenity as it would be possible to design a scheme that would comply with Policy ENV2 of the East Cambridgeshire Local Plan, 2015.
- 7.51 **Other Material Matters**
- 7.52 Cumulative Impact Study
- 7.53 This was submitted in response to consultee comments. The study covers Cumulative Landscape impact, Cumulative Infrastructure Impact (Education, health and leisure infrastructure contributions) and Planning Policy. The document was sent out for re-consultation to both the Landscape Consultant and the County Council Growth and Development team. No further comments have been received from the Landscape Consultant, although they will be reported orally at the meeting if such comments arrive between this report and Planning Committee.

- 7.54 In terms of the financial contributions towards education and health care, the applicant has submitted a heads of terms document in which they acknowledge the need to contribute towards primary and secondary education to mitigate against the proposed development. The Growth and Development Team at the County Council also require contributions towards Early Years. This is not included within the applicant's Heads of Terms. The Cumulative Impact Study accepts that these contributions will need to come forward, if Members are minded to approve the application. This would need to be secured by a S106 legal agreement. However, a further contribution towards primary healthcare has been recommended by NHS England due to the pressures the proposed development would bring on the local GP practice. This is not included in the submitted Heads of Terms. Therefore, the application fails to address this in their mitigation strategy.
- 7.55 In terms of Planning Policy, the view regarding the policy status has not changed and has been discussed in this report. The proposed development has been considered in light of the Council's lack of five year housing land supply and in accordance with paragraph 11 of the NPPF, and the 'tilted balance'. It is considered that the planning policies have been applied appropriately for each of the sustainable strands (Environmental, Economic and Social) and the proposed development fails to positively meet all of these three key planning roles for sustainability.
- 7.56 Affordable Housing
- 7.57 The proposed development is required to deliver 30% affordable housing in accordance with Policy HOU3 of the Local Plan. The application is accompanied by an Affordable Housing Statement and confirms to deliver this as required by the Policy and would also provide a mix which reflects the latest Strategic Housing Market Assessment, i.e. 77% rented and 23% intermediate housing. However, the Statement does not acknowledge nor confirm the requirement to include a minimum of 5% self-build plots as part of the proposal, in accordance with Policy HOU1 of the Local Plan. The application therefore fails to comply with the aims and objectives of Policy HOU1 which seeks all developments of 100 dwellings or more to provide a quantum (minimum 5% of total number of dwellings) of self-build plots.
- 7.58 Associated Economic Benefits
- 7.59 The NPPF (paragraph 78) recognises that housing development in rural areas can help promote sustainable development by supporting local services. A development of this scale would also bring other economic benefits in terms of construction jobs. However, it is considered that these benefits would be significantly outweighed by the adverse impacts previously discussed in this report.
- 7.60 **Planning Balance**
- 7.61 It is considered that the proposed development would give rise to significant adverse impacts in terms of visual amenity and the impact on the setting of Haddenham, which forms part of a locally valued landscape. These impacts would significantly outweigh the benefit of the development, in terms of the contribution it would make to the housing supply shortfall for the district as a whole. As a result the proposal would also be contrary to Policy ENV1 of the East Cambridgeshire

Local Plan, 2015 and the principles of chapter 15 of the NPPF – ‘Conserving and enhancing the natural environment’.

- 7.62 Also, the proposal fails to demonstrate that the proposed development can achieve a safe access to the development and, due to the lack of information submitted in support of this, the Local Planning Authority cannot be satisfied that there would be no adverse impacts on highway safety for all road users, contrary to Policy COM7. The application also fails to demonstrate that the proposed development can achieve a biodiversity net gain for up to 110 dwellings and as such is contrary to Policy ENV7 of the East Cambridgeshire Local Plan, 2015 and the principle of chapter 15 of the NPPF.
- 7.63 Furthermore, the proposal fails to mitigate against the impact on the existing primary healthcare within the village and therefore does not comply with Policy Growth 3 of the Local Plan which requires developments to make contributions towards infrastructure through financial payments, secured via a S106 legal agreement.
- 7.64 The proposal also fails to acknowledge nor confirm the need to bring forward a minimum of 5% of self-build plots as required under Policy HOU1 of the Local Plan, 2015.
- 7.65 The application is therefore recommended for REFUSAL.

COSTS

- 7.66 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.
- 7.67 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 7.68 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.
- 7.69 In this case members’ attention is particularly drawn to the following points:
- Objection raised from the Landscape Consultant in relation to the adverse visual landscape impact of the proposed development on the character of the locality and setting of Haddenham;
 - Objection raised by the Local Highways Authority in relation to the proposed access re-configuration and the wider impacts on the highway network;

- Objection from the Wildlife Trust in relation to the lack of Great Crested Newt surveys and the lack of evidence to demonstrate a biodiversity net gain.
- Failure to comply with Policy Growth 3 in relation to providing adequate infrastructure improvements by way of financial contributions for primary health and Early Years education, and failure in demonstrating a minimum of 5% of self-build plots, in accordance with Policy HOU1 of the Local Plan.

8.0 **APPENDICES**

- 8.1 Appendix 1 – Decision notice for 14/00130/OUM
Appendix 2 – Landscape Consultant comments

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00214/OUM	Angela Briggs Room No. 011	Angela Briggs Planning Team Leader
14/00130/OUM	The Grange Ely	01353 665555 angela.briggs@east cambs.gov.uk

National Planning Policy Framework -

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

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>



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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Gladman Developments Ltd
C/O Savills (UK) Ltd
Fao: Mr Andrew Hodgson
Unex House
132-134 Hills Road
Cambridge
Cambridgeshire
CB2 8PA

This matter is being dealt with by:

Penelope Mills

Telephone: 01353 665555
E-mail: penny.mills@eastcambs.gov.uk
My Ref: 14/00130/OUM
Your ref

7th August 2014

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF OUTLINE PLANNING PERMISSION

The Council hereby **refuses** the following development:

Proposal: Outline application for up to 100 residential units with all matters reserved except for means of access
Location: Land South Of 18 Wilburton Road Haddenham Cambridgeshire
Applicant: Gladman Developments Ltd

The Council hereby refuses outline planning permission for the application reference **14/00130/OUM** registered 24th February 2014.

REASONS FOR REFUSAL

- 1 The proposed development, particularly when considered cumulatively with the proposed housing allocations for Haddenham and the recently approved affordable housing exception site, would result in an unsustainable amount of residential development, which would outstrip the modest increase in employment provision envisaged for Haddenham and place significantly increased pressure on local infrastructure. The lack of employment, retail and leisure opportunities within the village coupled with the limited options in terms of public transport would result in an unsustainable pattern of development, encouraging high levels of out commuting by private vehicle, contrary to policies CS6 and CS8 of the current Core Strategy and policy COM7 of the draft Local Plan 2014. The development would also be contrary to the environmental strand of achieving sustainable development in the NPPF (paragraph 7 and 95) as the location of would lead to a car-dependant development and would therefore fail to reduce greenhouse gas emissions.

The development would also fail to accord with the locational strategy set out in policy GROWTH2 of the draft Local Plan, which seeks to secure the most sustainable pattern of growth by focussing the

majority of development on the Market Towns, and would also be inconsistent with the Haddenham Vision which forms part of the emerging Local Plan.

It is considered that these adverse effects would significantly and demonstrably outweigh any benefit the development would bring in terms of helping to address the housing supply shortfall for the district.

- 2 Haddenham is one of the highest points in the Fens and the application site sits at a key vantage point in the district. From this part of Haddenham, there are attractive and locally valued views from the ridge down across the Fens to Cambridge, and the site takes in part of this existing vista. This is a highly distinctive landscape in the local area and is an important part of the setting not only of Haddenham but also of the Isle of Ely. This open and attractive vista also forms an important gap between Haddenham and Wilburton, with the highway between the two running along the top of the ridge.

Due to the existing landscape features, the topography of the area and the position of the public highways, the character of the area as experienced on the ground is a low density single frontage of development, punctuated by gaps affording views across the countryside beyond. This is not a hard edge, but a transitional zone, which provides an attractive setting for the village and is part of a locally valued landscape. The proposed development of this land would result in a significant adverse effect on the setting of the village contrary to policy EN1 of the Core Strategy and policy ENV1 of the draft Local Plan. It would also be contrary to the guidance contained within paragraph 109 of the National Planning Policy Framework which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

It is considered that these adverse effects would significantly and demonstrably outweigh any benefits the development would bring in terms of helping to address the housing supply shortfall for the district, providing jobs and additional economic support for local businesses and providing additional affordable housing. It is also considered the development would directly conflict with policy 11 of the NPPF 'Conserving and enhancing the natural environment'.

- 3 The application provides insufficient archaeological information to enable the local planning authority to properly assess the nature and extent of the impact on potential archaeological remains within the site. The indicative thresholds provided as part of the outline application indicate that impacts upon archaeological remains could be total, and there is insufficient evidence to understand the potential impact of the proposed development, as required by paragraph 128 of the National Planning Policy Framework 2012. The application therefore fails to demonstrate that the requirements of policy ENV5 of the East Cambridgeshire Core Strategy 2009 and policy ENV14 of the draft Local Plan 2014.
- 4 The application provides insufficient evidence in relation to foul water treatment infrastructure to demonstrate that the proposal can be delivered without detriment to the water environment. The application therefore fails to comply with policy EN8 of the East Cambridgeshire Core Strategy 2009 and ENV9 of the draft East Cambridgeshire Local Plan 2014.

S. Wheat

Dated: 7th August 2014

Principal Development Management Officer

East Cambridgeshire District Council

Land South of Wilburton Road, Haddenham: Review of Landscape and Visual Effects

June 2019



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1.0 Introduction

This report has been prepared by Alison Farmer Associates on behalf of East Cambridgeshire District Council in response to an outline housing application to the south of Wilburton Road, Haddenham, Cambridgeshire. The report provides a review of the landscape and visual impact assessment associated with the planning application. It focuses on key landscape/townscape issues which are likely to arise as a result of the proposed development in order to inform the Local Authority in their determination of the scheme.

This review has included reference to the following documents:

- Landscape and Visual Impact Assessment (LVIA)
- Design and Access Statement (DAS)
- Proposed Site Plan
- Tree and Hedgerow Survey Report

This work has included desk study and a field assessment undertaken in May 2019. Failure to mention an aspect of the LVIA should not be assumed to be acceptance of it.

2.0 Planning Context

The LVIA sets out the relevant planning context and highlights the importance of the NPPF and Planning Practice Guidance and their emphasis on good design as a key component of sustainable development. Such design should *'contribute positively to making places better for people'* and *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'*.

The LVIA refers to Policy ENV1, and ENV2 (saved policies in the East Cambridgeshire Local Plan 2015). ENV1 states that development proposals should...*'create positive complementary relationships with existing development, and where possible enhance...the settlement edge and key views into and out of settlements'*. This policy makes specific reference to the Cambridgeshire Landscape Guidelines. Policy ENV2 stresses the need for high quality design which enhances and complements local distinctiveness.

The East Cambridgeshire District Council Design Guide SPD (March 2012) is also referred to in the LVIA. Specific objectives of the SPD are highlighted including consideration of:

- important views
- development edges
- hedgerows and planting for screening
- local character in species choice, planting patterns and landform
- habitat enhancement
- environmentally based opportunities including off-site landscape improvements
- spaces for tree planting within a scheme
- historic character of locality
- management of landscaped areas
- night lighting pollution

3.0 Existing Character of Haddenham Urban Edge and Landscape Setting

Topography

Haddenham is a fen island settlement located on land which rises to c. 40m AOD and sits above the surrounding fen landscape at 5m AOD or lower.

Figure 6 of the LVIA shows the topography of the area. The historic core of Haddenham focuses on the slightly flatter, highest land of the island with linear development extending down the island slopes to the north and south along linear routes which lead onto the fen e.g. Station Road, Aldreth Road and Lode Way. Haddenham is one of a number of nucleated fen island villages. These villages are separated by open agricultural slopes which are visually prominent from the wider landscape and are connected by roads which run along the crest of the slope, affording elevated views out across the fen landscape.

The site lies on the southern slopes of the island on the eastern side of the village. It ranges from c. 36m AOD adjacent to Wilburton Road to c. 13m AOD on the southern boundary, reflecting a fall of 23m. The slopes are most steep in the middle portion of the site. Figure 2 of the Tree and Hedgerow Survey illustrates the contours on the site although they are not numbered. The site comprises two fields which are open in character and currently used for arable. There is a single storey barn between the two fields.

Village Form

The historic core of Haddenham Village focuses on relatively flat high land at the cross roads of the A1123 and A1421 and along the High Street giving rise to a strong north-south orientation. Over time development has extended along the lanes and down the island slopes onto lower land where routes connect to the Fens.

Historic maps dating to the 19th century show a pattern of small enclosures behind properties used for horticulture and orchards. The development of orchards reached its peak in the 1950's especially on the south facing slopes (including the site), although many have now been lost to development or converted to arable.

In the early part of the 20th Century the Haddenham Road to the east of the village comprised a 'dog leg' arrangement. This was altered in the 1950's with the construction of a new link road called New Road which connected the Haddenham Road with Hop Road to form the primary route into the village. This reconfiguration led to the creation of the junction with Wilburton Road to the north of the site.

In the latter half of the 20th century infill development occurred to the east of the High Street but continued the trend of development located on the higher relatively flat land e.g. Camping Close and Bell Gardens. Here housing is relatively low density and comprises predominately 1 or 1.5 storey properties. This has been followed by more recent development (1990's) on the south facing slopes at Orchard Way and Pear Tree Close, adjacent to the site. This latter development does not extend below the 25m contour. The edge of this development

comprises hedgerows and trees, but the roofscape within the development is evident in views from the south, due to the sloping topography.

Similarly, the open agricultural slopes between Haddenham and Wilburton are visually prominent when viewed from the south. These areas of open farmland form an important setting to the settlement reinforcing individual identity and are visually sensitive. Where development has occurred along the Wilburton Road it is perceived as isolated rural dwellings within a wider agricultural landscape.

Views and Gateways

Haddenham village was designated a Conservation Area in 1972 the boundary of which was extended following the Conservation Area Appraisal, published in 2008.

The Conservation Area Appraisal notes that there are no views out from the High Street to the landscape beyond (para 7.3.2) but that the view from the junction between Church Road and W End is important (page 10). Here relatively recent development at Great Mill View limits views to a narrow cone between properties. Wider open views at road junctions remain possible from the margins of the settlement such as the junction between Glebe Way and Hill Row or at the bend in the road at the junction with Wilburton Road immediately north of the site. In these locations the open views reinforce sense of place and signal departure from the village.

When approaching Haddenham from the east there are open elevated views south and southeast across the fen landscape. These views are punctuated by isolated cottages, trees and hedgerows which give rise to a rural transitional approach to the village. Prior to reaching the site the water tower becomes a key landmark, but little or no residential development is evident. In longer distance views the light coloured rural buildings on lower lying land west of Lode Way are evident.

On leaving Haddenham along New Road there are southerly views towards the site. Although the ground level is not visible it is evident that it slopes away affording open views across the wider Fen landscape. This is an area of open undeveloped land and signals departure from the village.

Overall, the above analysis indicates that the site is visually sensitive, forming a setting to the village, plays an important role in affording open elevated views across the Fen which reinforce sense of place and local identity, and performs a gateway function. These factors give the site a high susceptibility to development of the type proposed.

4.0 Review of LVIA

Proposed Development

The proposed development on land south of Wilburton Road is for up to 110 residential units. Whilst an outline application with all matters reserved, the LVIA has been based on a

Proposed Site Plan (Figure 7 in the LVIA). This indicates the extent of development and layout considered by the applicant to be acceptable on this site.

The proposed scheme comprises detached and semi-detached dwellings (2-3 beds) of a density to reflect the established pattern within Haddenham (Design and Access Statement para 4.2, 2nd bullet). Properties are likely to be 2 or 1.5 storeys in height. The development would be accessed off Wilburton/Haddenham Road via a new junction arrangement – although no details are provided in the LVIA or other documents. Along the southern boundary of the site is proposed a landscape buffer to include open space, trees and shrub planting and attenuation ponds, while to the north of the site around the junction it is proposed that there will be an area of open space. Planting is proposed at various intervals along contours within the site. No information is provided on lighting or signage.

The hedgerow along the northern boundary of the site would be removed along with the barn in the centre of the site and associated tree. Existing boundary planting would be retained and new perimeter tree and hedgerow planting proposed.

Issues in relation to the LVIA

A review of the LVIA has identified a number of issues as follows:

- The red line site boundary and masterplan does not accord with the statement and annotated photographs that property 18 Wilburton Road will be demolished (para 5.3.10) as part of this scheme.
- The scheme layout in Figure 7 of the LVIA does not accord with that in the DAS which is an older layout.
- The LVIA makes reference to the National Character Areas, and Cambridgeshire Landscape Guidelines but no reference is made of the East of England Typology which distinguishes between the Lowland Village Farmland and Planned Fen landscape types.
- No mapping of character areas or types is provided within the LVIA.
- The only reference to the Cambridgeshire Landscape Guidelines is in relation to guidance note number 5 (page 75) which relates to planting and settlement edges.
- The LVIA explains that the proposed road layout is to follow the contours (para 4.1.2, 1st bullet), however Figure 7 clearly shows the main access road cutting across the site slopes at their steepest point.
- The LVIA provides no cross sections through the site to demonstrate how the housing will be accommodated and the extent to which the height of new housing will block views or indeed the extent to which the landscape buffer planting would be able to screen views of houses.
- Key viewpoints are illustrated on Figure 6 of the LVIA but long distance and near distance viewpoints do not appear to have been marked consistently.
- Viewpoint 18 is marked on Figure 6 but there is no description of the view or assessment of likely effects in the report or tables.

Effects of the Development as Proposed

The CLGs include generic guidance notes at the start of the document which highlight the following considerations when accommodating new development on the edge of settlements:

- existing views from roads, paths and public areas
- the creation and framing of new views
- offsite improvements
- views out and in
- footpath and corridor links
- penetration of woodland and green corridors into development
- visually diverse edges

The proposed site layout seeks to take account of these considerations through the creation of open space in the northern part of the site, a landscape buffer on the southern boundary and planting within the scheme. The LVIA acknowledges there would be a permanent change to the site as a result of the development but considers that the *'design, scale, layout and landscape of the proposed development respects the character of the surrounding landscape of the fen island and existing settlement edge'* (para 5.2.14 and 5.2.16). It states at para 5.2.18 that *'As planting matures proposals complement existing landscape and integrate'*. On this basis the assessment concludes that the scheme would give rise to Moderate Adverse landscape effects in Year 1 and Minor Adverse in Year 15 due to maturing vegetation. There are a number of observations which can be made in relation to this:

Gateway and Views

Paragraph 5.3.10 of the LVIA acknowledges the effects of the new access would be major adverse. Para 5.2.18 states that *'the open space areas at the site entrance.... will help maintain the rural approach to the village and its separation to Wilburton to the east' and 'provide opportunities to view the wider Fen landscape'*.

However, it is likely that single or two storey properties will block views to the wider Fen even if set back around the 32m contour. A narrow cone of view may be retained along the access road but open wide views down the slopes to the broad Fen would be substantially lost with views becoming interrupted and curtailed, not to mention urban in character.

Effectiveness of Mitigation Planting

The proposed site layout plan accommodates a number of mitigation proposals however the topography of the site and nature of the proposed development is likely to make the realisation of them problematic. This is because the height of proposed housing on the site slopes means the central part of the scheme is equally, if not more visible from the wider landscape, than the southern edge.

It is acknowledged that planting along the contours within the proposed development will help to mitigate the massing of development on the slopes, however the density of development is still likely to result in prominent roofscape and of the extension of development onto slopes which, in terms of settlement form, are not characteristically settled. The effectiveness of buffer planting on the southern boundary of the site at c. 13m AOD may mitigate housing on the lower slopes but would not mitigate housing on mid to upper slopes. Views from Lode Way towards existing housing on the slopes (viewpoint 2) illustrates this point. Similarly, the existing poplars to the south of the site are not included in the red line boundary and cannot be relied upon to screen development from viewpoints to the south such as Viewpoint 5.

The LVIA acknowledges that the proposed development would extend the settlement to the east of Haddenham and regards this as respecting the existing settlement pattern along the ridgeline of the fen island (para 5.2.17). However, as noted above, the historic form and traditional character of the village is development on the higher flatter land of the island, with development extending down the slopes where there are routes which connect with the Fens forming distinctive 'streets'. The proposed development would not give rise to this type of urban form and although the LVIA states that the proposed housing would be in keeping with that adjacent (Pear Tree Close), this housing is not typical of the village.

Visibility

The LVIA states in Section 2 that photographs have been taken with a focal length of 50mm to replicate the view from the human eye. It also states that to achieve a wider field of view a series of overlapping photographs were taken and joined together to form panoramic images. The general effect of this is to make elements of the landscape appear further away. Therefore, it is important that the images in the LVIA are used for illustrative purposes only.

The photographs within the LVIA are clearly annotated with the extent of the site labelled where appropriate. However, a review of the viewpoint assessment would suggest that effects have been underestimated. For example, an assessment of Viewpoint 18 is not provided in the LVIA. This is important as views from Haddenham Road on approaching the village are highly sensitive. Paragraph 6.0.11 concludes that the open views across the Fens are not compromised by buildings. However, it is likely that there would be some views to the proposed development from the Haddenham Road due to the elevation, angle of view and extent to which proposed development would extend down the slopes. Views towards the proposed development are likely to change perceptions of the scale and position of Haddenham and the approach to the village.

The assessment of effects for viewpoints 1a, 1b, and 1c appear inconsistent. The two former viewpoints are considered to give rise to a major adverse effect in Year 1 and major/moderate effect in Year 15, however for viewpoint 1c the effect is moderate adverse for Year 1 and minor adverse for Year 15. This is considered to be an underestimation. From viewpoint 1c the views are directly over the site (where currently there is no development), and are sequential. The proposed housing would be clearly visible, albeit set back from the road, and the views to the wider Fen landscape would be curtailed and urbanised.

The LVIA states in a number of places that the existing urban edge of Pear Tree Close is 'abrupt' and 'harsh'. However, consideration of viewpoint 2 illustrates that it is the tiering of roofscapes on the slopes which is most visually obvious when viewed from the south. Although the LVIA comments on the 'roofscape' being visible in Viewpoint 2, it goes on to assess the effects of the proposed development as minor adverse/negligible at Year 1 and negligible at Year 15. Given the effect of existing development on the slopes, and the increased extent of proposed development, the effects are considered to have been underestimated.

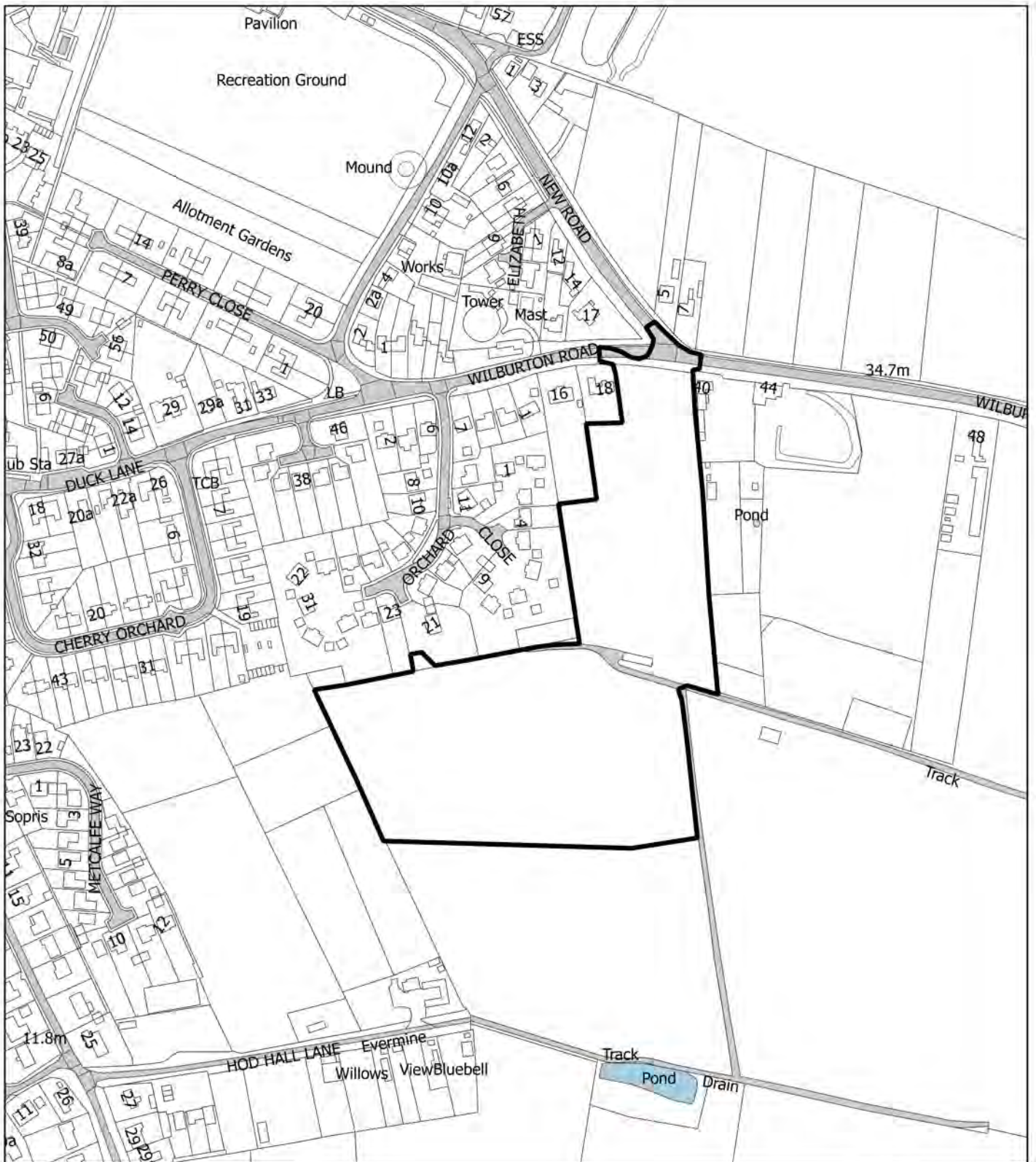
5.0 Conclusions

The LVIA concludes that the proposed development of the site can be well integrated into its surroundings (para 4.2.6). However, the above analysis indicates that the susceptibility of the site, to the type of development proposed, has not been sufficiently taken into account and that the overall landscape and visual effects have been underestimated. In particular it is noted that:

- the northern most elevated part of the site is important as a gateway and in providing rural elevated views to the Fens which reinforce sense of place.
- The mid slopes are the steepest and the most visually sensitive from the surrounding landscape and difficult to mitigate, forming open rural slopes that are a setting to the settlements and define their separate identity. Development on these slopes is not characteristic of Haddenham.
- Development on the lower slopes and away from historic linear routes that lead to the Fen, is uncharacteristic of the historical development of the village.

Based on existing information, it is considered that the proposed development will not be easily integrated and landscape effects would remain adverse in the longer term. However, the Local Planning Authority may wish to clarify some elements of the scheme prior to determination by requesting the following information:

- Cross sections of the site to demonstrate building heights and tiering of roofscapes and effectiveness of mitigation planting.
- Assessment of views from Haddenham Road.
- Details of the new access arrangement at the northern part of the site.



19/00214/OUM

Land South of 18
Wilburton Road
Haddenham



East Cambridgeshire
District Council

Date: 14/10/2019
Scale: 1:3,500



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MAIN CASE

Reference No: 19/00447/RMM

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

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

Applicant: Bloor Homes Eastern

Case Officer: Andrew Phillips, Planning Team Leader

Parish: Isleham

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

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

1.0 **RECOMMENDATION**

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

2.0 **SUMMARY OF APPLICATION**

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

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

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

3.0 PLANNING HISTORY

3.1

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

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

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

5.0 RESPONSES FROM CONSULTEES

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

Newmarket Town Council – 26 April 2019

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

17 September 2019

Stated that it declined to provide comments.

22 October 2019

Stated that it declined to comment.

Isleham Parish Council - 30 April 2019

Objects to the proposal on the following grounds:

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

17 September 2019

States:

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

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

22 October 2019

States

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

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

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

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

Local Highways Authority – 29 April 2019

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

1 October 2019

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

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

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

21 October 2019

States:

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

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

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

22 October 2019

States

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

Recommended Conditions

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

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

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

Historic England – 11 April 2019

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

9 September 2019

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

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

Cambridgeshire Archaeology – 23 April 2019

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

10 October 2019

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

Natural England - 18 April 2019

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

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

9 September 2019

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

Environmental Health Officer – 5 April 2019

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

Seeks a ground piling condition.

24 September 2019

Seeks an updated Noise Impact Assessment.

16 October 2019

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

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

Waste Strategy (ECDC) - 23 April 2019

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

Housing Section – 13 May 2019

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

Provides the needed housing mix.

20 May 2019

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

9 September 2019

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

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

Environment Agency – 24 April 2019

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

Lead Local Flood Authority – 25 April 2019

Is unable to support the application regarding the drainage layout.

13 September 2019

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

18 October 2019

States:

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

Middle Fen and Mere Internal Drainage Board – 11 April 2019

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

Anglian Water Services Ltd - 26 September 2019

States:

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

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

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

Section 4 - Surface Water Disposal

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

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

8 October 2019

Repeats comments from the 26 September 2019.

Then sent an additional consultation response and stated:

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

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

Design Out Crime Officers - 16 April 2019

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

6 September 2019

No additional comments and their previous comments remain valid.

Defence Infrastructure Organisation Safeguarding – 21 May 2019

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

20 September 2019

“Aerodrome height

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

Birdstrike

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

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

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

East Cambridgeshire Access Group - 17 April 2019

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

ECDC Trees Team - 24 April 2019

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

18 October 2019

States:

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

Ward Councillors -

No Comments Received

Conservation Officer -

No Comments Received

Parks and Open Space -

No Comments Received

NHS England -

No Comments Received

CCC Growth & Development -
No Comments Received

Cambridgeshire Fire and Rescue Service -
No Comments Received

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

18 Aves Close – 8 April 2019

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

24 April 2019

Site is outside of the village framework.

4 July 2019

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

5 September 2019

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

15 October 2019

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

2 Fordham Road – 18 September 2019

Objects on the basis of:

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

5 Fordham Road – 16 September 2019

Objects to this proposal on the grounds of:

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

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

5A Fordham Road – 6 April 2019

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

67 West Street – 18 April 2019

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

Seeks more bungalows as part of the proposal.

15 September 2019

Seeks amendments:

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

5 St Andrews Close – 24 April 2019

Objects to the proposal on the grounds of:

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

3 The Briars – 29 April 2019

Objects on the grounds of:

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

3 May 2019

Objects on the grounds of:

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

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

12 September 2019

Remains objecting to the proposal on:

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

16 September 2019

Objects on the grounds of:

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

33 Woodpecker – 19 May 2019

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

Proposal does not provide enough secure cycle storage.

21 October 2019

States:

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

Also maintains the comments regarding footpath links.

Units 9-10 Hall Barn Road – 5 September 2019

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

Units 16/17 Hall Barn Road – 9 September 2019

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

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

Objects on the following grounds:

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

35B Hall Barn Road – 16 September 2019

Objects on the grounds of:

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

24 October 2019

Raises concerns in the regards to:

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

- Power capacity.

37 Hall Barn Road – 19 September 2019

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

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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

6.2 Supplementary Planning Documents

Design Guide SPD
Flood and Water SPD

6.3 National Planning Policy Framework 2019

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

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

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

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

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

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

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

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

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

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

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

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

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

9.0 APPENDICES

9.1 Appendix 1 -Recommended conditions

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

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 19/00447/RMM Conditions

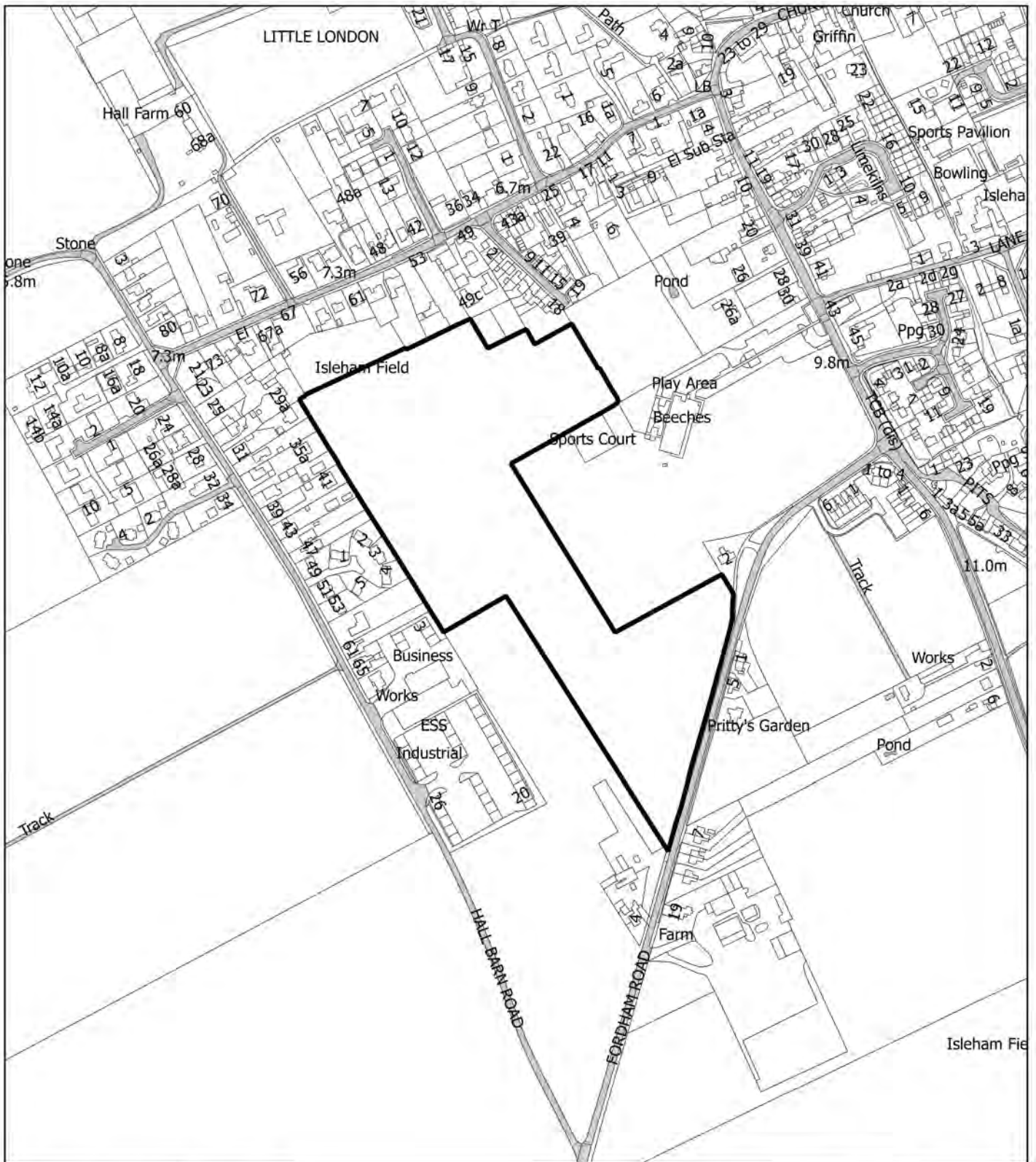
- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
EA129-LS-003	D	4th October 2019
P18-1261-01-02	ZJ	4th October 2019
P18-1261-03	i	4th October 2019
P18-1261-04	H	23rd October 2019
P18-1261-05	i	4th October 2019
P18-1261-11	L	4th October 2019
P18-1261-12	E	4th October 2019
P18-1261-18		4th October 2019
Bat and Bird box V7	V7	4th October 2019
P18-1007_09G House Type Pack		4th October 2019
Biodiversity compenstion and enhancement plan	V5	4th October 2019
EA129-EN-015	C	4th October 2019
EA129-EN100	E	4th October 2019
EA129-EN-101	E	4th October 2019
EA129-LS-001	E	4th October 2019
EA129-LS-002	D	4th October 2019
EA129-LS-004	E	4th October 2019
EA129-LS-006	F	4th October 2019
EA129-LS-007	C	4th October 2019
P18-2261_02	B	25th March 2019
EA129-EN-201	D	22nd August 2019
EA129-EN-200	C	22nd August 2019
EA129-LS-005	C	4th October 2019
P18-1261_06	B	25th March 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing numbers P18-1261_03 Rev i and P18-1261_06 Rev B. The boundary treatments shall be in situ and completed prior to the first occupation of the associated dwelling on the site. All works shall be carried out in accordance with the approved details and retained thereafter.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

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

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



19/00447/RMM

Land Accessed between
2 and 4 Fordham Road
Isleham



East Cambridgeshire
District Council

Date: 14/10/2019
Scale: 1:5,000



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MAIN CASE

Reference No: 19/00754/OUM

Proposal: Outline planning application with all matters reserved (except for access) for up to 44 residential dwellings, new internal access road and footpaths, open space, sustainable urban drainage system and associated landscaping, infrastructure and earthworks.

Site Address: Site North Of 196 - 204 Main Street Witchford
Cambridgeshire

Applicant: Catesby Strategic Land Ltd.

Case Officer: Andrew Phillips, Planning Team Leader

Parish: Witchford

Ward: Stretham

Ward Councillor/s: Bill Hunt
Lisa Stubbs

Date Received: 23 May 2019 **Expiry Date:** 20 November 2019
[U105]

1.0 **RECOMMENDATION**

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

1. Approved Plans
2. Reserved Matters
3. Time Limit
4. Archaeological Investigation
5. Construction Times
6. Construction Environmental Management Plan (CEMP)
7. Noise Mitigation
8. Piling Foundations
9. Fire Hydrants
10. Tree Protection
11. Footpath/Cycle Links
12. Surface Water Drainage
13. Foul Water Drainage
14. Travel Plan

- 15. Roads built to adoptable standards
- 16. Future Road Management
- 17. Access Drainage
- 18. Renewable Energy
- 19. Biodiversity
- 20. Potential Contamination
- 21. Unknown Contamination
- 22. Biodiversity Protection
- 23. Site Access

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission with only details of a single access onto Main Street to allow for up to 44 dwellings being sought; all other matters are reserved for future reserved matters application(s). The proposal also includes public open space, sustainable drainage systems and other associated infrastructure.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application has been called in to Planning Committee by the ward district councillors in order for the application to have the public benefit of a committee hearing.

3.0 PLANNING HISTORY

3.1 Off site, directly on the opposite side of the road:

18/01821/FUM	The construction of forty-five dwellings including external works, roads and parking	Pending Consideration
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On site:

08/00108/OUT	Outline application for detached dwelling with access and off street parking	Refused	12.03.2008
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is an open field located outside of the village framework and is between Main Street and the A142. Public Rights of Way (PRoW) define the northern and western boundary; while Main Street is located to the south. There is also several residential properties located adjacent to the southern boundary of the site and to the east is another open field.

4.2 The boundaries of the site are defined by a range of trees that provide a strong character to the PRoWs and also benefit the character of Main Street.

4.3 The site measures 2.29 hectares/5.66 acres.

5.0 RESPONSES FROM CONSULTEES

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

Ward Councillors – Cllr Bill Hunt – 23 August 2019

“There is much concern in Witchford and I feel that this application would benefit from being "called in" and the wider and more open debate that a committee hearing allows.

Please call in unless Cllr Stubbs objects before Noon on Tuesday 27th August.”

Cllr Lisa Stubbs – 27 August 2019

“No objection to this being called in”

Witchford Parish Council – 20 June 2019

It objects to this proposal as it is outside of the village framework within the Consultation Draft Witchford Neighbourhood Plan and this should be granted significant weight in determining the application.

The Witchford Landscape Character Assessment that it has adopted argues against cul-de-sac development with no links to the village.

The site is bordered by two byways open to all traffic; the trees that are located on these byways form both an important visual character and wildlife habitat.

It seeks a condition to protect these trees in perpetuity and to prevent encroachment of the byways.

It notes and welcomes the pedestrian/cycle link from the site into Granny's End Drove byway. Seeks a condition to improve Granny's End Drove to Marroway Lane.

It is concerned over air and noise pollution affecting properties close to the A142 and will not accept mechanical ventilation. On this basis the number of dwellings should be reduced and the green open space increased.

24 July 2019

“Witchford Parish Council objects to the Flood Risk Assessment for this application as presented in your letter of 8th July 2019. The Parish Council is greatly concerned about the proposal to lay a pipe along Granny's End Drove, which is a historic green lane bounded by established hedges and trees with high biodiversity value for the area. The Parish Council considers that the balancing pond should empty at its western end where it is only a short distance for the overflow to run into the ditch running along the A142 bypass.

In relation to the Revised Tree Survey Report included with your letter dated 12th July 2019, Witchford Parish Council reiterates its previous statement that the existing trees and hedges on the boundary of this site should be protected by planning condition, including sufficient protection for the roots.”

19 September 2019

“The Parish Council objects to the proposal to designate the attenuation basin in this development site as part of the Public Open Space. The Parish Council expects that public open space should be safe, suitable and permanently available for public use.

The Parish Council considers that Witchford is not able to accept additional housing development as the village is already accepting a level of housing development over and above its allocated housing number as explained below:

To inform the Witchford Neighbourhood Plan, East Cambridgeshire District Council has provided an updated housing requirement figure to be met within Witchford during the period 2018 to 2031. This figure is 252 dwellings, or 19.4 dwellings per annum in the period 1st April 2018 to 31st March 2031. At 1st April 2018, Witchford parish had 'net commitments' from sites with planning permission for 252 dwellings. The Neighbourhood Plan allocates 3 sites which have the benefit of planning consent totalling 330 homes.

Land north of Field End	168 homes
Land at Common Road	116 home
Land to south of Main Street	46 homes

In addition, the Neighbourhood Plan allows for further dwellings to be delivered via appropriate policy compliant infill within the Witchford development envelope. Therefore, housing provision in Witchford is already 31% in excess of the housing requirement, without the additional 44 dwellings at this site 19/00754/OUM Site north of 196-204 Main Street. The current housing stock in Witchford is slightly over 970 houses. (In 2015 the dwelling stock stood at 970 'Cambridgeshire Population and Dwelling Stock Estimates, Mid-2011 to Mid-2015', Cambridgeshire CC). This means that Witchford is projected to grow by over 33% during the Plan period - again this is without the additional 44 dwellings at this site.”

Historic Environment Team (Archaeology) – 8 June 2019

States that the area is in an area of high archaeological potential and requires a pre-commencement archaeological condition.

CCC Growth & Development – 18 June 2019

Comments that while there is a project for Rackham Primary School, currently the County Council does not have the ability to gain the land to deliver the project.

Provides details that the already approved developments in the area will exceed the capacity in both Early Years and Primary School provision. A cost of at least £38,931 per early years and primary school place is required. However, without the land it is not possible to deliver this project.

With all the planned growth in the locality, plus this proposal the capacity of Witchford Village College (secondary school) will be exceeded; a cost of £24,667 per place is needed in order to provide an extension to the secondary school.

Finally a contribution of £3,181 is required to improve library provision to cover the additional people proposed.

Seeks all possible education contributions prior to commencement on site.

Local Highways Authority –

20 June 2019

The visibility splays appear to cut across land in the ownership of other parties. The main access is acceptable but those shown on the minor access crossing the footway is not suitable to serve more than one property.

5 August 2019

“I note that my earlier comments with respect to the eastern site access have not been addressed in the revised Transport Statement which continues to show a 3-4m access without clarity of use. My observations of the 20th June therefore remain applicable. Please could the use of this access be confirmed so that I can make the necessary recommendations?”

5 September 2019

Following removal of the second access has no objections to this proposal, though seeks standard condition HW1A and a specific condition to ensure the access is suitably built.

This development may 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.

Local Highways Authority (Transport Team) - 23 July 2019

“Background

This document reviews the Transport Statement produced by David Tucker Associates on behalf of Catesby Strategic Land Ltd, for the development of up to 44 residential dwellings at land off Main Street, Witchford.

Transport Statement Review

2.0 Policy

The review of relevant local and national policy is acceptable for use.

3.2 Local and Wider Road Network

The description of the local highway network is acceptable for use.

3.3 Existing Traffic Flows

It is noted that an ATC survey was conducted over a 7-day period along Main Street between 13/12/18 and 19/12/18. It is noted that the date the survey were conducted is not a neutral date as it is so close to the Christmas holiday period. However since junction capacity models are not required the surveys are acceptable for this application.

3.4 Personal Injury Collision Data

The applicant has requested 60 months of accident data from 2013 to the end of May 2018 from Cambridgeshire County Council. It is noted that this accident data is now a year out of date, The Highway Authority advises the applicant to request the most recent accident data from Cambridgeshire County Council.

3.5 Pedestrian and Cycle Access

The applicant is advised to include the widths of the footways on either side of Main Street within the pedestrian access description.

The applicant needs to provide an isochrone map of the walking and cycling distances from the site using real walking routes, not as the crow flies. The recommended maximum walking distance is 2km and cycling distance is 5km.

3.6 Local Amenities and facilities

The description of the local amenities and facilities is acceptable for use.

3.6.6 Mode share

The use of 2011 census data to calculate mode share is acceptable for use.

3.7.1 Bus provision

It is noted that the closest bus stop to the site is 100m away on Main Street, which is serviced by the 39 Ely-Chatteris-March service. The applicant is advised to

include an audit of the current bus stop infrastructure for the bus stops on Main Street.

4.1 Development Proposals

It is noted that despite the development being for 44 dwellings the TS has assessed the impact of 50 dwellings.

4.2 Access

Access proposals are to be agreed with Cambridgeshire County Council Highways, Geoffrey Ellwood is the key contact.

4.6 Car and cycle parking

It is noted that car parking will be provided in accordance with East Cambridgeshire's District Councils car parking standards. It is noted that the applicant has not provided any information regarding the provision of cycle parking. Cycle parking must be provided in accordance with East Cambridgeshire's District Councils cycle parking standards, which states a minimum of 1 secure covered cycle storage space per dwelling.

4.7 Travel Plan

If the application is recommended for approval sustainable welcome packs including free bus travel vouchers will be conditioned.

5.1 Proposed Traffic Generation

The use of TRICS to calculate the trip generation is acceptable for use.

It is noted that the applicant has manually excluded sites from London, Wales, Scotland and Ireland. The trip generation is acceptable for use.

5.2 Traffic Impact

It is noted that the distribution is based on the ATC results and shows 22% east and 78% west during the AM Peak and 57% east and 43% west during the PM Peak.

It is noted that the applicant had conducted junction modelling for the site access junction. However, The Highway Authority does not consider the developments trip generation to warrant junction modelling, as the site only creates 25 trips in the AM peak and 24 trips in the PM peak. Therefore the Highway Authority has not reviewed the junction modelling as it is not required.

Conclusion

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

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

11 October 2019 - States

"The Highway Authority does not object to the proposals subject to the following -

Condition

Prior to first occupation of development, the developer shall be responsible for the provision and implementation of Travel Welcome Packs to be agreed in writing with

the Local Planning Authority. The Travel Welcome Packs should include the provision of free bus travel vouchers and/or cycle discount vouchers.”

Environment Agency – 27 June 2019

States that the capacity of Witchford Water Recycling Centre needs to be checked as there is a discrepancy between East Cambridgeshire District Water Cycle Study (Final Draft Report, November 2017) and data from Anglian Water.

With the potential impacts from cumulative development wants to ensure that Anglian Water are specifically consulted.

States there is no mention of waste or resource efficiency and expects the developer to demonstrate of the waste hierarchy and the promotion of waste prevention measures.

The proposal should be designed so that each house is only using 110 litres per person per day.

Only clean uncontaminated water is allowed to discharge into any soakaway, watercourse or surface water sewer.

Provides other guidance and advice in regards to other legislation and licensees needed.

11 July 2019

“We have no comments to make on the amended documents.”

Anglian Water Services Ltd - 3 July 2019

It has assets within the locality and would like to ensure that the developer is aware of this through an informative.

States that the foul drainage from this development is in the catchment of Witchford Recycling Center that has capacity for this proposal.

The sewerage system at present is confirmed as having capacity for the proposal.

Lead Local Flood Authority - 14 June 2019

Objects to the proposal on the grounds of:

- Need to demonstrate that housing shown in the central eastern section of the site will not be at risk of surface water flooding. Developer needs to show protection measures.

Also provides more general guidance on infiltration.

8 July 2019

Has reviewed the Flood Risk Assessment and Concept Masterplan May 2019 and no objection in principle.

The surface water can be managed through the use of an attenuation basin and a swale system in the north east corner of the site.

Any works to existing watercourses will require Ordinary Watercourse Consent.

States that the majority of the site is at a very low risk of surface water flooding. The area that is at risk of flooding in a 1 in 100 year event has been shown to be left as open space.

Requests conditions in regards to surface water drainage and its long term maintenance.

Requests informatives in regards to Ordinary Watercourse Consents and pollution control.

17 September 2019

It remains supportive of the proposal.

Internal Drainage Board – 17 June 2019

Is outside their district but within an area that drains into it.

The views of the Lead Local Flood Authority should be sought.

23 July 2019

Restates previous comment.

Environmental Health – 11 June 2019

Seeks conditions in regards to construction times, Construction Environmental Management Plan and piling.

Based on a 3m high acoustic barrier both outdoor (garden) and internal living (even with a partially open window) are acceptable.

However, there are 11 properties along the northern boundary that will need to be designed to prevent sensitive rooms being placed facing northwards.

Lighting can be controlled by way of angling of lights and minimising upwards spread of light.

Environmental Health (Scientific)- 15 August 2019

“Thank you for consulting me on the above proposal. I have read the Phase 1 Desk Study prepared by GRM dated December 2018 and accept the findings and recommendations that a Phase II investigation is carried out. I recommend that standard contaminated land conditions 1 and 4 are attached to any grant of permission. I have read the Air Quality Assessment report prepared by RPS dated January 2019 and accept the findings and recommendations. Mitigation measures should be implemented in the construction phase as recommended to minimise dust. However, no conditions are considered necessary with regard to air quality.”

Housing Section – 10 June 2019

Seeks 30% affordable housing in line with policy HOU3 (this proposal could secure up to 13 affordable dwellings).

The developer should be encouraged to bring forward a mix of 77% rented and 23% shared ownership.

Provides advice on S106 drafting.

East Cambridgeshire Access Group – 12 June 2019

Welcomes the footpaths throughout the site and looks forward to more detailed plans.

Asset Information Definitive Map Team - 10 June 2019

Comments that the proposal will have access to Public Byway 5 Wentworth on the eastern boundary and Public Byway 6 Wentworth on the northern boundary.

States:

“There is no legally defined and recorded width for this byway, and we are not able to advise what it would be. As the dimensions are not known, we cannot guarantee that you would be able to improve or modify the boundary of the development abutting the byway to the correct alignment of the Byways in question. An applicant therefore would proceed with any development that might affect the highway at their own risk.”

Provides general guidance on its own legislation.

Cambridge Ramblers Association - 12 July 2019

“We are very concerned about development outside the village development envelope. The proposed density of dwellings is very high for a rural location and the plans suggest very little green space. In particular, there is a concern about the threat to existing trees and hedgerows which make up the boundaries of the adjacent byways, Dunham's Lane and Granny's End Drove. Of particular note, should development be approved, is the great importance of ensuring that the scheme incorporates the proposed Witchford Pedestrian/Cycle Spine Route, which runs right through the site.”

Designing Out Crime Officer (Police) – 18 June 2019

With the application being outline with all matters reserved apart from access, it seeks that any future application fully follows the principles of 'Secured by Design'.

Cambridgeshire Fire and Rescue Service - 27 June 2019

Is seeking fire hydrants to be provided as a condition or through a S106 Agreement.

Waste Strategy (ECDC) - 25 June 2019

Requests:

- Seeks a tracking map to show how vehicles are supposed to move around the site.
- East Cambridgeshire District Council will not enter private land and expects the developer to comply with RECAP Guidance.
- All public open spaces will need to provide litter and dog waste bins.
- Provides details of how bins can be purchased.

ECDC Trees Team – 27 June 2019

Raises concern that the early mature ash tree adjacent to 198 Main Street has been omitted.

Objects "to the removal of the category A Lime Tree (T7) as this forms an important visual amenity asset to the street scene of Main Street and it should be retained through a re design of the layout."

The remainder of the layout design is considered good.

2 August 2019

"It is a shame to loss T14 the early Mature Ash from my previous comments but I understand this is unavoidable in order for this application to proceed, and due to the increasing health issues with Ash trees nationally it is the most logical tree for removal.

I still strongly object to the removal of the Category A Lime Tree (T7) as this forms an important visual amenity asset to the street scene of Main street and it should be retained through a re design of the layout."

Parks and Open Space - No Comments Received

NHS England - No Comments Received

- 5.2 A site notice was displayed near the site on 6 June 2019 and a press advert was published in the Cambridge Evening News on 13 June 2019. In addition 23 neighbouring properties have been directly notified by letter.

9 Marroway Lane – (6 June 2019) Objects to the proposal on the grounds of:

- Development is outside of the village framework (2015).
- Significant other development within the village, cumulative burden in regards to traffic and pollution.
- Loss of public amenity, one of the last green spaces left in west of village.
- Harm to biodiversity.
- Out of keeping with the character of this part of the village.

11 Marrowway Lane – (8 June 2019) Objects on the grounds of:

- Development is outside of the village framework (2015).
- Significant other development within the village, cumulative burden in regards to traffic and pollution.
- Loss of public amenity, one of the last green spaces left in west of village.
- Harm to biodiversity.
- Out of keeping with the character of this part of the village.

196 Main Street – (23 June 2019) Objects on the grounds of:

- Outside village framework (2015).
- Harm to rural character of the area.
- Potential harm to ecology.
- Impact/pollution from vehicles.
- Cumulative impacts on highway network from several residential developments both long term and during construction.
- Loss of the large lime tree adjacent to their property.
- Potential future concerns for instance of overlooking of future applications.

198 Main Street – (21 June 2019) States that they live adjacent to the site access, which will run along their entire side boundary and will lead to the removal of several mature trees.

Raises concern over the pollution (specifically noise and light pollution) of the amount of vehicles running along her boundary will cause.

Makes reference to the application (18/01821/FUM) on the opposite side of the road.

Raises concern over the continued growth in traffic movements in Witchford, with Main Street being used as a bypass for the A142 and A10.

Makes reference to the byways, bus stop and the potential for further growth in the area.

200A Main Street – (24 June 2019) Seeks the following to be taken into consideration:

- Potential for 80 additional vehicles in the area.
- Combined traffic with the proposal for 45 dwellings on the opposite side of the road.
- Entrance to the site is too narrow.
- What would the access route be for heavy plant?
- Impact from construction work on existing dwellings.
- Drainage concerns.
- Light pollution.

- Impact on biodiversity.

223 Main Street – (24 June 2019) Notes the proposal and seeks to be kept informed of all stages of the proposal.

Also notes while development is outside of village framework so are many graded planning permissions.

(18 September 2019)

Supports amendment as it should improve highway safety and allow more vegetation to be retained.

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
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

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

6.3 National Planning Policy Framework 2019

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

- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

6.5 Other Guidance

Submission Version Witchford Neighbourhood Plan 2019 – 2031. – now submitted to the Council for independent examination.

- Policy WNP SS1 – A spatial strategy for Witchford
- Policy WNP LC 1 – Landscape and settlement character
- Policy WNP LC2 – Witchford area of separation
- Policy WNP GI1 – Public Rights of Way
- Policy WNP GI3 – Development and Biodiversity

Including Witchford Neighbourhood Plan Landscape Appraisal Final Report, December 2018

7.0 PLANNING COMMENTS

7.1 The main issues to consider are:

- Principle of Development
- Highway Impact and Parking
- Residential Amenity
- Visual Amenity
- Housing Mix
- Historic Environment
- Ecology
- Flood Risk and Drainage
- S106/Contributions

7.2 Principle of Development

7.3 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

- 7.4 Witchford is classified as a large village in the 2015 Local Plan and has good access to services and facilities, which include a church, primary school, secondary school and a pub. It also has relatively easy access to two business parks (Sedgeway and Lancaster Way) and is in close proximity to Ely.
- 7.5 It should be noted that Witchford has got several major housing proposals and approvals both along Main Street and along the northern boundary with the A142 and while all applications must be determined on their individual merits the cumulative impacts should be duly considered.
- 7.6 It is acknowledged that Witchford Parish Council is preparing a Neighbourhood Plan (NP) which is at regulation 16 “plan proposal” consultation stage. Given its stages in preparation, it is considered that the emerging NP can be afforded only very limited weight, given previous appeal decisions and the advice within the NPPF at paragraph 48. This sets out the weight to be afforded to emerging plans. This states that the more advanced the plan is in its preparation, the greater the weight that may be given to it. Also the extent to which there are unresolved objections and the degree of consistency with the NPPF. As we are mid-consultation, it is too early to know the scale and degree of objections that will be raised in response to the draft policies. Nor do we have the benefit of the Examiners views and recommendations. As such the Plan is considered to be still at the early stages of preparation, hence the limited weight to be applied to it. The Landscape Appraisal Final Report December 2018, prepared to accompany and inform the NP, has been prepared by a Chartered Landscape Architect and is considered to have significant weight in the determination of this application
- 7.7 The site is outside the village framework but is in close proximity and is situated between two parcels of the framework. There is a public footpath leading into the village along the southern boundary and there are Public Rights of Ways (PROWs) to the west and north of the site.
- 7.8 It is accepted that the western edge of Witchford is not as sustainable, as the eastern edge. The eastern edge of Witchford having easier access to Lancaster Way Business Park, the centre of Ely and Ely Train Station.
- 7.9 With the lack of a five year land supply and with the proposal being in very close proximity to the edge of the village it is considered that this proposal is acceptable in principle, as it is in a relatively sustainable location. Therefore the presumption in favour of sustainable development is engaged in accordance with paragraph 11 of the NPPF.
- 7.10 Highway Impact and Parking
- 7.11 Policy COM7 of the Adopted Local Plan 2015 seeks to ensure sustainable and safe methods of transport, while policy COM8 seeks to provide a suitable level of parking provision.
- 7.12 The developer during the application has reduced the number of access points onto Main Street from two to one in order to overcome the concerns of highway safety from the Local Highways Authority. Conditions are recommended in order to

ensure both highway safety and long term maintenance of the future internal roads of the proposal.

- 7.13 The access is a 5.5m wide road with one 2m footway on the eastern side of the road; normally two footpaths are sought but with the developer seeking to minimise the impact on 198 Main Street and most people likely to be walking eastwards into the village in this case a single footpath is acceptable.
- 7.14 It is noted that historically Cambridgeshire County Council Highways Authority has underestimated the impact that the developments of North Ely and Lancaster Way would jointly have on the Witchford Road/A10 roundabout; at the current time East Cambridgeshire District Council is working with developers and the County Council to form a new solution to this roundabout. In addition it is accepted that Main Street Witchford is a partial 'bypass' road to the A142 and on this basis takes a much higher level of traffic than what is expected to accommodate during rush hour traffic. It is also understood that people are likely to use Main Street/Grunty Fen Road to avoid parts of the A10. East Cambridgeshire District Council have added A142/Witchford Road 'Lancaster Way' roundabout to its infrastructure project list in order that Community Infrastructure Levy (CIL) money can be used to upgrade this roundabout. If this development was approved, it would be CIL liable and would therefore contribute to the improvements to the Lancaster Way roundabout.
- 7.15 It is noted that the application site is located close to a bus stop, has good access by foot into the centre of the village and has recreational routes via the Public Rights of Way (PRoW).
- 7.16 The requested condition by the County Transport Team in regards to the need for a Travel Plan are considered to be reasonable and a condition is therefore recommended.
- 7.17 The developer is showing walkways through the site that will provide new links between Main Street and the byways. While it is noted that people are crossing the field, this is not a formal route and thus the provision of formal new routes is a benefit of the proposal. It is also important that landscaping is preserved and enhanced to make this route remain a viable recreational walk.
- 7.18 With a net density of 23 dwellings per hectare/14 dwellings per acre (for 44 dwellings) it is considered reasonable to expect that each dwelling will be able to easily accommodate two car parking spaces. Secure covered cycle storage will also need to be demonstrated for each dwelling. With the Local Highways Authority not adopting visitor parking spaces, unless it serves a wider public benefit (e.g. near a school or public open space), the applicant will also have to look at how 1 visitor space per 4 dwellings can be provided as part of a reserved matters application.
- 7.19 The proposal subject to suitable conditions is considered to meet with policies COM7 and COM8 of the adopted Local Plan.
- 7.20 Residential Amenity

- 7.21 Policies ENV2 and ENV9 seek to protect both existing and future residents from harm to their residential amenity and potential pollution.
- 7.22 196 and 198 Main Street are located on either side of the proposed access. The developer has maintained a gap of 3m between highway and 196 Main Street and 4m between highway and 198 Main Street. This will allow landscaping on both sides of the road and suitable boundary treatment in order to minimise the impacts of the proposal on these properties. However, it is still considered that there will be minor – moderate harm to these properties amenity by bringing traffic noise and light pollution to the side and rear of 196 and 198 Main Street; while currently this is a situation they only have from the front of their properties. It is noted that 198 Main Street could be facing an access to a 100% affordable housing scheme (18/01821/FUM) on the opposite side of the road (although this application has not been determined); the potential combined impact has been assessed and is considered to be moderate but would not be significant enough to warrant refusal.
- 7.23 A future reserved matters application should easily be able to accommodate dwellings that prevent any significant harm to these properties, with sufficient set back distances and compliance with the Design Guide SPD.
- 7.24 It is considered that subject to a well considered layout, design and scale the proposal would not have any detrimental impact on any other nearby property's residential amenity.
- 7.25 The indicative layout shows that the developer is proposing a 1.5m high bund with a 1.5m high acoustic fence on top of it along the northern boundary (adjacent the A142), this would keep the proposed dwellings (on the indicative layout) just outside of the detrimental levels of noise pollution (specifically during night time) and allow for windows to be at least partially opened; thus not needing mechanical ventilation. However, there are still 11 dwellings that are borderline acceptable and at reserved matters stage the internal design of these dwellings will need to be considered and potentially look to prevent 1st floor habitable rooms facing the A142 to ensure acceptable noise levels. The maximum predicted noise levels will need to be secured by a condition, to ensure residential amenity is protected.
- 7.26 With the net density being relatively low and the proposal being up to 44 dwellings it is considered entirely possible for a developer to provide suitable amenity space for the proposed dwellings and separation distances that would meet the minimum standards set in the Design Guide SPD
- 7.27 Conditions are recommended to ensure that construction disturbance is minimised through a Construction Environmental Management Plan (CEMP), as well as controlling hours of construction work and piling. Conditions will also be required in regards to potential contamination but it is noted that the Environmental Health Scientific Officer is not seeking any conditions or mitigation in regards to Air Quality.
- 7.28 In regards to residential amenity it is considered that the proposal complies with policies ENV2 and ENV9 of the Adopted Local Plan, Contamination SPD and the Design Guide SPD.

- 7.29 Visual Amenity
- 7.30 Tree lined avenues along the PRow and trees adjacent to Main Street form an important feature in defining the character of this area; there also other trees along the other boundaries of the site. However, this site is not within a Conservation Area nor are any of the trees benefiting from a confirmed Tree Preservation Order (TPO), though it is noted that the Council's Tree Officer has now placed a TPO on the Lime Tree along Main Street to ensure its amenity value is protected, but at the time of writing the landowner can still object to this. It is accepted that the loss of some trees in order to provide the public benefit of much needed housing is acceptable, though the final layout and number of dwellings should be informed by ensuring that the maximum amount of significant trees can be maintained and accommodated within any final layout. It is also to the benefit of the developer in ensuring protection of significant trees, where possible, as it prevents the need to replant similar size trees in other parts of the site. A condition is recommended to ensure that there is some measure of tree protection put in place to protect trees during construction works.
- 7.31 This specific area of the north side of Main Street has very little development in depth and this proposal will change the character of the built environment. It is noted to the east that Marroway Lane is a linear road that provides development; which leads northwards from Main Street towards the A142, therefore, protruding development to the north. To the east of Marroway Lane there is a significant amount of built and approved development that provides cul-de-sac development up to the A142. The southern side of Main Street in this locality has had developments approved that have led to development in depth behind existing housing.
- 7.32 The Landscape Appraisal Final Report December 2018 (which has informed the Neighbourhood Plan) does not add any specific importance to this site but does express general guidance of avoiding continued development closer to the A142 along Sutton Road. This appraisal considers the site to be within the character area of 'Common Side' that states that housing is mainly cul-de-sacs and gives importance to the historic lanes. In addition, states that the northern village edge is set back from the A142 through 'unkempt' land, which this proposal will maintain through the indicative open space along the northern edge though to a lesser degree than the current situation.
- 7.33 The proposed net density of 23 dwellings per hectare/14 dwellings per acre (for 44 dwellings) is considered reasonable to protect the character of the area while ensuring efficient use of land. The relatively low density again allows for public open space to be provided along the northern and eastern edge of the site, while also allowing space for the trees along the western boundary with Dunham's Lane.
- 7.34 The harm to the built character of the area by allowing back land development would create a low level of harm, as while the proposal will erode the character of a rural walk it is not out of keeping with the overall built form of this part of Witchford. This is by virtue of cul-de-sacs in this character area as highlighted in the Witchford Neighbourhood Plan Landscape Appraisal Final Report December 2018. Main Street as a whole is defined by cul-de-sacs that provide residential development towards the A142. This proposal is, therefore, not out of keeping with the wider

character area of Witchford. Given that the Council cannot demonstrate a five year land supply it would be unreasonable to refuse the application due to this low level of harm.

- 7.35 It is considered that a suitable design of dwellings could be brought forward at a reserved matters stage that would either be in keeping with the existing houses in the locality or enhance upon them.
- 7.36 The proposal is, therefore, considered on balance comply with policies HOU2, ENV1 and ENV2 of the Adopted Local Plan; as while the character of the area will be changed there is no significant or substantial harm to the appearance of the local area.
- 7.37 Housing Mix
- 7.38 The developer has provided an indicative housing mix of:
- Six 2 bedroom dwellings.
 - Twenty-one 3 bedroom dwellings.
 - Seventeen 4 bedroom dwellings
- 7.39 It is considered that this housing mix is too heavily weighted in 4 bedroom dwellings and that these should be reduced and the number of 2 bedroom properties increased in any future submitted reserved matters or some provision of 1 bedroom dwellings. It is also important to ensure there is both market and affordable 2 bedroom properties in order to provide a good social mix. With the site being less than 50 dwellings, there is no requirement to provide lifetime homes or self build plots. It is considered possible for the development to comply with Policy HOU1 with any final scheme.
- 7.40 The developer's provision of open space on its indicative layout is very slightly on the low side in accordance with the Council's Developer Contributions SPD, which requires 0.34 hectares and the developer is providing 0.32 hectares, though if the area of SuDS is usable (dry the majority of the time) it will be able to provide a suitable level of public open space. In addition if the number of houses is slightly reduced or if there is a greater number of 2 or 3 bedroom units and less 4 bedroom units, the amount of needed open space will again reduce.
- 7.41 The level of affordable housing is expected to be 30%, with a split of 77% rented and 23% shared ownership. This is the level that has been considered to be viable in this area and required to provide necessary homes to people seeking an affordable dwelling.
- 7.42 This level of affordable housing does meet with Policy HOU3 that seeks 30% affordable housing in the north of the district. The affordable housing and the tenure split will need to be secured via a S106 Agreement.
- 7.43 Historic Environment
- 7.44 With no listed buildings or conservation area in this locality there is considered to be no harm to the built historic environment. However, with Witchford being on a

historically high area and with the guidance of archaeologists within County Council it is considered fully reasonable to require an archaeological investigation, which can be achieved via a pre-commencement condition to ensure any historical relics or information is fully documented or preserved. On this basis the proposal complies with policy ENV14 of the Adopted Local Plan.

7.45 Ecology

7.46 The developer has submitted an Ecological Appraisal as part of its application, which concludes that the impacts on biodiversity should be minimal if careful measures are taken during construction and ground works. It also provides guidance on biodiversity measures to both mitigate against loss of habitat and to enhance biodiversity in the area. It would be expected that any future reserved matters provides suitable soft landscaping, bird/bat boxes, sensitive lighting , water features, reptile hibernacula and hedgehog holes in fences. Subject to suitable conditions the proposal will comply with policies ENV7 of the Adopted Local Plan.

7.47 Flood Risk and Drainage

7.48 The site is fully located within Floodzone 1, though it is noted that some of the site is liable to surface water flooding (primarily along the eastern boundary). The indicative layout shows it is possible to keep any dwellings out of the area of surface water flooding. The site meets the sequential test of being in an area of low risk of flooding and is able to provide a layout to minimise long term impacts on property.

7.49 The comments of the Lead Local Flood Authority are noted and accepted, a condition is recommended to ensure a suitable drainage system is provided. An open drainage system is suggested and would be sought at a reserved matters stage; as an underground system does not have ecological benefits and substantially limit or place a burden on existing trees.

7.50 SuDS will only count as public open space when they positively add to the open space or where they are dry and usable for the vast majority of the time.

7.51 Anglian Water have confirmed that they have capacity to accommodate this development and on this basis only a condition to ensure suitable connection to the foul water network is required.

7.52 The proposal, subject to conditions, is considered to comply with ENV8 of the Adopted Local Plan and the Cambridgeshire Flood and Water SPD.

7.53 S106/Contributions

7.54 In addition to the contributions mentioned above the other significant contributions the proposal is expected to provide is education, waste bins and CIL.

7.55 The entire proposal will be CIL liable and will therefore help improve a wide variety of infrastructure and will also provide money to the Parish to help improve local infrastructure. Affordable dwellings while liable for CIL contributions are not chargeable in accordance with legislation.

- 7.56 Cambridgeshire County Council are seeking contributions in regards to early years, primary, secondary and adult learning. However, County notes that it does not have a workable scheme of how to spend or provide early years or primary within Witchford as any solution would require the acquisition of additional land from a development site. It must be noted that County Council is the education authority and must provide suitable education to all children of a school age. Education contributions through developments are to cover the sudden influx of children into the local education system, it must also be proportional to the level of development.
- 7.57 Secondary education and adult learning (library provision) will be negotiated and secured as part of a S106. There will need to be ongoing discussion in relation to early years and primary education with the applicant and county following the County Council comments.
- 7.58 Contributions for waste/recycle bins will be secured as part of a S106 in order to ensure people have these when they move into the new properties.
- 7.59 Public open space and SuDS provision and maintenance will be negotiated and secured as part of the S106, with preference of them being handed to a public body.
- 7.60 Other Material Matters
- 7.61 Fire hydrants as requested by the Fire Service can be secured via a condition and is recommended to be added to any approval.
- 7.62 Planning Balance
- 7.63 The benefits of this proposal is it will provide up to 44 dwellings at a time when the Council cannot demonstrate a five year land supply in a relatively sustainable location. It will also provide 30% affordable housing when the Council has a significant shortfall in the provision of affordable dwellings.
- 7.64 It will also provide public open space, new public routes for people to walk across the site and biodiversity improvements. However, these only hold minimal benefit as they are required to mitigate against the long term impacts of the proposal.
- 7.65 The proposal will have a low level of harm to the character of the area by providing back land development on the north side of Main Street on the western edge of Witchford, lead to the loss of at least one substantial tree to allow access and will cause minor-moderate harm to the residential amenity of 196/198 Main Street.
- 7.66 However, it is noted that there are cul-de-sacs in this character area as highlighted in the Witchford Neighbourhood Plan Landscape Appraisal Final Report December 2018. Main Street as a whole is defined by cul-de-sacs that provide residential development towards the A142. This proposal is, therefore, not out of keeping with the wider character area of Witchford.

7.67 On balance it is considered that the application should be recommended for approval, subject to conditions and a S106 Agreement as there is no significant and demonstrable harm from the proposal and the benefits outweigh the harm.

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 member's attention is particularly drawn to the following:

- No statutory objections

9.0 APPENDICES

9.1 Appendix 1 – Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00754/OUM	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Planning Team Leader 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 - 19/00754/OUM Conditions

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

Plan Reference	Version No	Date Received
1001		23rd May 2019
20461-01-1	B	3rd August 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the layout, scale, appearance and landscaping 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 2 years of the date of this permission.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 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.
- 4 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours 07:30 -18:00 each day Monday-Friday, 07:30 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 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.

- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 With the first reserved matters application a scheme for the mitigation of noise shall be submitted to and approved in writing by the local planning authority. The scheme of mitigation shall ensure that noise levels do not exceed the noise criteria based on the current figures by the World Health Organisation Community Noise Guidelines Values/BS8233 as below:
- i. Living/dwellings rooms in daytime: 35dB LAeq, 16 hours;
 - ii. Outdoor living areas in daytime: 50dB LAeq, 16 hours;
 - iii. Inside bedrooms at night-time: 30dB LAeq, 8 hours (45dB LAmax).

The development shall be carried out in accordance with the approved scheme and no dwellings shall be occupied prior to its implementation and shall be retained as agreed thereafter.

- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 9 No above ground construction 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 or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 9 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 10 No development shall take place until a scheme for the protection during construction of the trees on the site and adjacent to 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.

- 10 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. 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.
- 11 The first reserved matters application shall provide full details of a footpath/cycle link running between the two byways to the north and west of the site. The proposed links shall be constructed prior to first occupation or in accordance with a timeframe agreed in writing with the Local Planning Authority.
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 No above ground works shall commence 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 first occupation of any dwelling.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment prepared by RPS Group (ref: AAC5497) dated 20th May 2019 and shall also include:

- a) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- c) Full details of the proposed attenuation and flow control measures;
- d) Site Investigation and test results to confirm infiltration rates;
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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

- 12 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 13 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of any dwelling.
- 13 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 14 Prior to the first occupation of the development a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the programme set out within the approved Travel Plan or any revisions to the Travel Plan that are first agreed in writing by the Local Planning Authority.
- 14 Reason: In the interests of sustainable movement in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 15 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.
- 15 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.
- 16 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).
- 16 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 17 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.

- 17 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 18 Prior to or as part of the first reserved matters application, 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.
- 18 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 19 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.
- 19 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 20 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.
- 20 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 21 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.

- 21 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 22 The development shall be carried out in accordance with all the mitigation measures stated in the Ecological Appraisal May 2019.
- 22 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 23 The access as detailed in Drawing number 20461-01-1 Rev B shall be fully constructed prior to first occupation and thereafter maintained in perpetuity.
- 23 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

MAIN CASE

Reference No: 19/00966/OUM

Proposal: Construction of up to 70 dwellings, together with associated public open space, landscaping, highways and drainage infrastructure works

Site Address: Land Between 27 And 39 Sutton Road Witchford
Cambridgeshire

Applicant: Manor Oak Homes Ltd And Mr & Mrs Eade

Case Officer: Barbara Greengrass, Planning Team Leader

Parish: Witchford

Ward: Stretham

Ward Councillor/s: Bill Hunt
Lisa Stubbs

Date Received: 19 July 2019

Expiry Date: 13 November 2019

[U106]

1.0 RECOMMENDATION

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

1. The application site is located on undeveloped land at the eastern edge of the village of Witchford, which currently makes a positive contribution to the setting of the village and as an important gateway to the village. Due to the existing landscape features and topography, the site will be clearly visible. The proposal will further elongate the built form of the settlement, towards the A142, urbanising the edge of the village, which currently has a rural settlement fringe character. The area in the vicinity of the site forms a rural transitional zone between the main built up part of the settlement to the countryside beyond. The proposed development of this site would result in significant and demonstrable harm to the setting of the village in this gateway location, and the character and appearance of the countryside, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework, which states that the planning system should contribute to protecting and enhancing the natural and built environment and recognising the intrinsic character and beauty of the countryside.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for up to 70 dwellings together with public open space, landscaping, highways and drainage infrastructure. All matters are reserved apart from means of access. The proposal is to provide for a central access point onto Sutton Road.
- 2.2 The application is accompanied by an indicative layout plan illustrating how the 70 dwellings could be accommodated on the site of 3.22 ha (7.9 acres) at a density of 22 dwellings per hectare (8.8 per acre), with public open space and drainage attenuation pond basin and foul water pumping station. The applicant proposes to retain the existing boundary vegetation apart from the loss to provide the new access.
- 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 This application has been brought to Committee in line with the Council's Constitution.

3.0 PLANNING HISTORY

- 3.1 No relevant planning history.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located at the western edge of the settlement , close to the junction with the A142 and on the southern side of Sutton Road leading onto Main Street, and abuts the settlement boundary along its north east corner, with residential development situated to north east corner of the site fronting Sutton Road and fields to the east, south and western boundaries. Further west adjoining the site is the frontage development of Briery Farm (39 Sutton Road). A new dwelling is currently under construction within the garden of 39 Sutton Road immediately adjacent the site. On the opposite side of the road to the north of the site are two new bungalows which are nearing completion.
- 4.2 There is existing hedgerow along the northern section of the site fronting onto Sutton Road, although its height allows views into the site. In addition there are existing hedgerows located along the length of the southern and western boundaries of the site. The eastern boundary comprises of part hedgerow and part post and wire agricultural style fencing.
- 4.3 The site itself is an open field.

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.

Technical Officer Access - 9 August 2019

Pathways should be firm level and slip resistant. We welcome footpaths throughout the site.

Good lighting throughout the site.

Cambridgeshire Fire And Rescue Service - 2 August 2019

With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

CCC Growth & Development - No Comments Received

Lead Local Flood Authority - 8 August 2019

Lead Local Flood Authority (LLFA) have no objection in principle to the proposed development subject to a condition requiring full details of the surface water drainage scheme.

ECDC Trees Team - 26 September 2019

If this application is approved a high quality soft landscaping scheme will be essential for the proposed development to assimilate into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. It will be essential that species native to this locality are used in order to support wildlife indigenous to this area.

Please be aware my comments are subject to my professional limitations and I recommend you consider to consulting with a landscape architect for a full assessment of these and future plans.

Environmental Health - Technical - 29 July 2019

I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday
07:30 - 13:00 on Saturdays and
None on Sundays or Bank Holidays

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA).

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place.

Noise Impact Assessment dated 28/06/19.

The report has demonstrated that outdoor amenity spaces are able to meet acceptable levels. This is reliant on the current layout of the site where gardens are placed behind dwellings and so if the layout is to change this may impact upon external sound levels.

With regard to internal sound levels the report states that strategic placement of living rooms and bedrooms will be required for a minority of the dwellings in order to rely upon an open window to gain ventilation.

The report has demonstrated that some dwellings to the north of the site (closest to the A142) will not be able to achieve internal sound levels with an openable window on the façade facing the A-road. It is assumed that windows will be placed on an alternative façade (not facing the A142) but I will need to confirm this at a later stage during any subsequent applications where floor plans have been submitted.

To summarise, I don't have any immediate concerns to raise at this time with regard to noise but happy to discuss this further if required.

Housing Section - 12 August 2019

The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 30% affordable housing on site. (Up to 70 dwellings will secure up to 21 affordable dwellings)

Waste Strategy (ECDC) - 23 August 2019

No objections.

NHS England - No Comments Received

Anglian Water Services Ltd - 22 August 2019

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

The Ely Group Of Internal Drainage Board - 31 July 2019

The site is outside of the Littleport and Downham Internal Drainage District.

Environment Agency - 8 August 2019

We have no objection to the proposed development. Comments made regarding the capacity of the Witchford WRC. It is clear there is currently capacity but all sites in combination may not be able to be accommodated within the current discharge permit. Anglian Water should be consulted regarding the current WRC capacity and any requirement for new sewage infrastructure.

Design Out Crime Officers - 5 August 2019

There is a section within the Design and Access statement headed crime prevention (Secured by Design - SBD) stating that the design has been based around SBD

principles. Some measures have obviously been considered. Comments given for consideration as the application progresses.

Cambridgeshire Archaeology - 31 July 2019

Our records indicate that this site lies in an area of strong archaeological potential. Within the application area is extensive relict ridge and furrow medieval cultivation earthworks (Cambridgeshire Historic Environment Record reference MCB24249). Archaeological investigations to the east of the application area identified two possible Roman trackways (ECB5152) and Iron Age to Roman settlement preserved beneath relict ridge and furrow medieval cultivation earthworks (ECB5438). Further archaeological investigations in the vicinity include an archaeological evaluation to the north-east of the site conducted in 2014, which revealed evidence of an Iron Age cremation and inhumation cemetery, as well as further evidence of Iron Age occupation in the vicinity (ECB4252). More recent investigations identified 26 cremations and 5 inhumations in the cemetery, which was set on the north side of a palaeochannel, amongst a field system (OAE in prep). In addition, to the west is evidence of Roman, Saxon, medieval and post-medieval occupation (05610, CB15655, 05797, MCB16775).

PLEASE NOTE: We have already provided pre-application advice to the applicant in relation to this scheme, at which time we advised that the archaeological interest of this site could most appropriately be secured by condition of planning permission. The document labelled 'Archaeological Evaluation Report' which is uploaded to the planning portal in support of this application is not an evaluation report, it is the brief for the recommended programme of archaeological works which was commissioned by the applicant and issued by this office on 3rd May 2019. To date, no archaeological works have been implemented within the redline area indicated.

We therefore do not object to development from proceeding in this location subject to a programme of archaeological investigation secured by condition,

Cambridgeshire County Council Education - 13 August 2019

Early Years need: A project to expand Rackham Primary School, with Early Years provision has been identified (at a cost of between £38,931 and £40,840 per pupil place), however, this would require the acquisition of additional land from a proposed development site in order to be built. 21 children are anticipated from this development.

Primary need: A project to expand Rackham Primary School has been identified (at a cost of between £38,931 and £40,840 per pupil place), however, this would require the acquisition of additional land from an adjacent proposed development site in order to be built. 28 pupils are anticipated from this development.

Secondary need: On this basis, there is a need to add more secondary places in this area. A project to add 150 places to increase the school by a form of entry at a cost of £23,875 per pupil place. 18 pupils are anticipated from this development.

Parish - 15 August 2019

Witchford Parish Council objects to the above planning application on the following grounds:

i) This site is outside the village development envelope as shown in the East Cambridgeshire Local Plan 2015 and in the emerging Witchford Neighbourhood Plan. The Witchford Neighbourhood Plan has completed its Regulation 14 consultation and is now being finalised for submission to the District Council for examination. The Witchford Neighbourhood Plan should therefore be given substantial weight in accordance with paragraph 48 of the NPPF (February 2019) and in accordance with Paragraph 007 of Neighbourhood Planning Guidance 9th May 2019 <https://www.gov.uk/guidance/neighbourhood-planning--2> which states 'an emerging neighbourhood plan is likely to be a material consideration in many cases'.

ii) The housing allocation number for Witchford provided by ECDC for the period 2018-2031 is 252 dwellings, and the emerging Witchford Neighbourhood Plan allocates 334 houses during this period. Housing provision in Witchford is therefore already well in excess of its allocated number with the village projected to grow by over 33%; the proposed additional 70 dwellings are therefore not needed. While the applicant states that there is a housing shortfall in the East Cambridgeshire area, Witchford Parish Council contends that Witchford is already contributing significantly to meeting that shortfall.

iii) The Witchford Landscape Character Assessment (LCA) which forms part of the emerging Witchford Neighbourhood Plan, but which also stands alone (adopted by Witchford Parish Council 2nd January 2019), notes the importance of the rural characteristics of Sutton Road, of the visual sensitivity of the land south of the urban edge when viewed from the wider landscape, and the opportunity to create a strong western gateway into Witchford using structural planting and open space.

The guidance for this area of the village in the LCA is:

- Create new strong gateway to settlement through the planting of new street trees and creation of open space/community orchard and retain views outwards to the north and south avoiding the extension of development closer to the A142 along Sutton Road.
- Any new development to the south of Sutton Road and along New Road (track) should be a) kept back from the break in slope b) be accompanied by overlapping lines of planting/hedgerow restoration to limit visual impacts from the wider landscape to the south and create an appropriate soft edge, c) be no more than 2 storeys high and d) use materials which have low reflective qualities.
- Retain open 'gaps' between development which are either visually connected to the wider landscape or reinforce perceptions of a loose low density character typical of the western part of the village.
- Seek opportunities to create new orchards on the edge of the settlement.

The LCA also refers to key views looking both into and out from the village at the western end of Sutton Road and note that this is a key area of landscape extending into the village.

The Parish Council considers that the proposed development does not comply with the guidance in the LCA for this area of the village, does not protect key views and is not in keeping with the rural characteristics of Sutton Road.

iv) The Parish Council is aware from long-standing reports from residents that this area of Witchford is subject to ongoing problems with flooding and surface water issues. The Parish Council notes that on the ECDC Planning Portal there is a representation from the Lead Flood Authority dated 8th August 2019 raising concerns and requesting a detailed condition is placed on any planning permission to meet its concerns. The Parish Council is concerned about the impact of the development on off-site flooding issues to the east, which have been reported to Cambridgeshire County Council and are still ongoing.

v) The Parish Council is concerned about the capacity of the existing sewerage infrastructure to cope with increased housing development and notes that this has also been raised by the Environment Agency in its response dated 8th August 2019 shown on the ECDC Planning Portal.

vi) The Parish Council considers this location to be too far from the centre of Witchford, particularly from the schools. Given that the proposed dwellings are likely to be family homes, the Parish Council is concerned that the distance of the site from village schools will result in additional traffic at peak times, along Sutton Road and Main Street, which is already a unsustainably busy route as evidenced by AVC data shown in the attached document Appendix 1 (*Witchford Parish Council application for funding from Cambridgeshire County Council for traffic management works on Main Street 2018*).

The Parish Council notes that the planning application does not include any proposals for infrastructure to encourage sustainable transport options. The footway from Sutton Road into the village centre is inadequate at less than one meter wide. The bus stop along Sutton Road has no covered waiting facilities or seating, and the bus service is only 2-hourly through the day with no Sunday service.

The Parish Council does not consider the development to be sustainable in terms of transport.

vii) The Parish Council is concerned about the road safety implications of having the vehicular entrance to such a large housing development so close to a major road junction (Sutton Road/A142).

viii) The Parish Council is concerned about the effect of this development on the social infrastructure of Witchford and the local area, particularly health services.

Overall, the Parish Council considers that the adverse impacts of this proposed development significantly and demonstrably outweigh any benefits (NPPF February 2019 paragraph 11 d) ii)), and that therefore the presumption in favour of development does not apply in this case.

Ward Councillors - No Comments Received

County Councillor – 22 September 2019

I am making this representation in my role as county councillor for the county division that includes Witchford.

I would not normally intrude in planning matters outside my district council ward, leaving this to the relevant district councillors. However, the district councillors for Witchford are the chair and vice chair of the Planning Committee, and appear to have advised residents that they will not be excusing themselves from determining this application in order to represent the views of their constituents. I have therefore been approached by several local residents asking me to represent them as their only other principal authority elected representative.

I would also like to provisionally request the opportunity to speak to the Planning Committee when it meets to determine this application. I say *provisionally* because I am aware that the five-minute combined speaking limit for representations to committee is very restrictive, and I would not want to prevent the committee from being addressed by the well-informed and capable residents who will no doubt wish to address the committee on this application. When reaching its decision, the Planning Committee will obviously need to consider the National Planning Policy Framework (NPPF) and the council's current (2015) Local Plan. Witchford is currently in the latter stages of developing its Neighbourhood Plan though this has not yet reached referendum stage let alone been formally made.

(1) Non-conformity with planning policy

(a) Development envelope

The district council's current Local Plan (2015), and the parish's emerging Neighbourhood Plan both place the application site outside the village's development boundary. The longstanding failure of the district to meet its land supply targets means that this is no longer a sufficient reason to refuse a planning application, but it may be considered alongside other factors.

(b) Housing requirement

The housing requirement for Witchford which the district council has stipulated for the purposes of the village's emerging Neighbourhood Plan is an additional 252 dwellings over the plan period (2018-2031). Proposals are already in place to exceed this requirement, with 330 homes allocated in Witchford in the village's emerging Neighbourhood Plan.

(2) Unsustainability of the proposed development

(a) Character of the area This pastureland site is part of the important rural edge to the village, and the application would represent significant urbanisation, impacting negatively on the key rural views and the nature of the rural landscape with its historic ridge and furrow features. The upward slope of the site will give prominence to the proposed two-storey dwellings which will look down on the homes of existing residents. This is likely to lead to loss of light, loss of privacy, and overlooking, as well as an increase in noise and air pollution.

(b) Flood risk

The nature of the site and its soil puts the site itself at high risk of flooding from surface water, and development here will adversely affect the ability of existing neighbours to protect their properties from the effects of water run-off.

(c) Highways and transport

Traffic speeds in this part of the village are high and the road is busy, not least due to rapidly increasing traffic on the A142 and the use of the village as a rat-run. The proposed installation of two new bus stops will do nothing to mitigate this, as the bus service is so poor and infrequent. The poor quality of local public transport leaves residents of East Cambridgeshire among the most reliant in the county on the private motor car. This application alone—even without the additional 330 dwellings already proposed in the emerging Neighbourhood Plan—would lead to a large increase in the number of vehicles using this stretch of road. Siting large developments on rural edges without adequate public transport or connection to health, retail and other amenities is unsustainable and unlikely to contribute positively to the increasingly urgent decarbonisation agenda.

(d) Environmental sustainability

This application would negatively affect the biodiversity of the site, and includes no serious attempts to integrate sustainable features such as renewable energy or rainwater recycling into the development.

Conclusion

In conclusion, I would request that the Planning Committee refuse this application for the above reasons.

Manor Oak made it clear in a recent presentation to Witchford Parish Council that their interest in progressing this application is not long-term: their aim is to achieve planning approval and enjoy the resulting uplift in land value. It is the residents of Witchford who will have to live with the consequences of a misconceived and unsustainable application if the district council makes the wrong decision.

Environmental Health - Scientific - 29 August 2019

I have read the Desk Study Report dated 24 /4/2019 prepared by Geo-Environmental and accept the findings. The report recommends that a Phase II investigation is carried out. I recommend that standard contaminated land conditions are attached to any grant of approval due to the proposed sensitive end use (residential).

Local Highways Authority - 23 September 2019

The highways authority has no objections in principal to this application.

The junction with Station road is laid out to the Highways Authority standards with the required visibility splays being entirely within the highway.

The widening of the footway fronting the site to 2m to join with the existing footway is acceptable.

The application is for access only therefore I have not commented on the internal layout.

Conditions recommended.

Local Highways Transport Team

12 August 2019

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

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

21 August 2019

Based on the updated Transport Statement - No objection subject to the following;

1. Prior to first occupation of the development, the applicant should deliver the installation of a bus shelter at the westbound bus stop on Sutton Road 180m from the site. Details of the shelter to be approved by the Local Highway Authority, and works to be carried out by the applicant as part of S278.
2. S106 payment for maintenance of a bus stop shelter of £7,000 to be installed at the westbound bus stop on Sutton Road
3. Prior to first occupation, the applicant shall construct a 2 metre wide footway from the site access continuing east to join with the existing footway outside property 27 Sutton Road. Details to be submitted to and approved in writing by the Local Planning Authority.

5.2 **Neighbours** – A site notice was posted and advert placed in the Cambridge Evening News. 32 neighbouring properties were notified and 13 responses received. The responses received are summarised below. A full copy of the responses are available on the Council's website.

- Witchford Landscape Appraisal indicates that Sutton Road should be protected from further development as it is a gateway, with important views both in to and out of the village.
- The Design and Access Statement details claims of the applicants sustainable credentials but have not demonstrated any of their claims – no examples of sustainable energy sources, no suitable building materials, no facilities for incorporating sustainable transport and no sustainable links with the village centre (which is 1 mile away). It is clear the applicant does not take sustainability seriously.
- Village infrastructure is already over-subscribed, the school and college have more student applications than spaces.
- The main entry/exit roads to the village suffer significant tail-backs at peak times.
- The bus services are poor during the week, and non-existent on Sundays
- No local surgeries or shops meaning most villagers have to visit Ely for basic needs.
- Footpath in Sutton Road is narrow, no cycle-way to the village centre and no west-bound bus shelter.
- Land classified as a high-risk for flooding
- No consideration for recycling packaging
- No thought for reducing the environmental impact of heavy plant on the site
- No mention of carbon offset against the huge environmental impact the scheme will generate
- The applicant have ignored paragraph 15 of the NPPF that states proposals should 'enhance valued landscapes and recognise the intrinsic character and beauty of the countryside'. The application will create an urban sprawl at the western gateway of the village obliterating views of the countryside.
- Paragraph 108 states that plans should "promote sustainable transport modes", the applicant have ignored this.
- The proposal is contrary to GROWTH 2 of the Local Plan 2015 as it is outside of the development envelope.

- The proposal is contrary to ENV1 of the Local Plan 2015 as it is incongruous. The scale and form would be out of place and it would not enhance the edge of settlement.
- The emerging Witchford Neighbourhood Plan aims to “value and protect the rural character and community spirit of Witchford”. It is clear that such an obtrusive proposal at the very edge of the village will destroy the rural ambience, and create an incongruous urban sprawl which goes against the most fundamental principles of the emerging neighbourhood plan.
- The land that forms the application site has been identified within the Witchford Neighbourhood Plan as to be protected. The designations that are to be protected are supported by evidence included in the National Character Areas Profiles. It has been noted that Witchford falls within National Character Area 46 The Fens. Which has been described as “a distinctive, historic and human influenced wetland landscape which formerly constituted the largest wetland area in England. The area is notable for its large-scale, flat, open landscape with extensive vistas to level horizons. The level, open topography shapes the impression of huge skies which convey a strong sense of place, tranquillity and inspiration”.
- In the period 2018-2031, ECDC require Witchford to build 252 new dwellings (or 19.4 dwellings per annum). The 2019 Neighbourhood Plan allocates 3 sites which have the benefit of planning consent totalling 330 homes. Witchford has therefore already exceeded its obligations to ECDC for housing up until 2031.
- The applicant has stated in their Design and Access Statement that “local residents have influenced the scheme” despite the views of residents being ignored and no feedback or reasoning had been offered
- The applicants fail to mention any design principles from the ECDC Supplementary Planning Document despite saying that the “Design and Access Statement will demonstrate how the proposed masterplan has responded to various design principles contained within this guide”.
- The elevation of the application site rises to the South by approximately 3 metres. This is important as the western entry to the village and the rising elevation adds to the sense of rural landscape and sets the scene of a rural community as people enter the village. The importance of this particular feature is referred to a number of times in the neighbourhood plan and is an important aspect that should be maintained.
- Loss of rural amenity.
- Putting over 70 buildings onto a field with a rising elevation, at the entrance to a village which currently only has 7 houses next to it, is completely out of keeping. No amount of landscaping can hide this much concrete in such a prominent position.
- Proposing to add chimney stacks means potentially additional emissions with the plume flow directly affecting existing dwellings due to the prevailing south-west wind.
- Junction is already overloaded without the addition of 140 vehicles.
- No provision mentioned to charge electric vehicles at each house.
- The current landscape consists of a rural loose arrangement of dwellings.
- The construction of a residential estate on land that is currently undeveloped would alter the appearance of the site, and thus, the proposed development does nothing to “protect and enhance valued landscaped and recognising the intrinsic character and beauty of the countryside” or “protect and enhance the

green infrastructure, open spaces and valued views of Witchford” (extracted from the Witchford Neighbourhood Plan 2019).

- Loss of light
- Loss of privacy and overlooking
- Noise and disturbance

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2019

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

6.4 Planning Practice Guidance

6.5 Submission Version Witchford Neighbourhood Plan 2019 – 2031. – now submitted to the Council for independent examination.

Policy WNP SS1 – A spatial strategy for Witchford
Policy WNP LC 1 – Landscape and settlement character

7.0 PLANNING COMMENTS

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

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

7.2 Principle of Development

7.3 The starting point for consideration of this application is the development plan, the adopted East Cambridgeshire Local Plan 2015.

7.4 It is acknowledged that Witchford Parish Council is preparing a Neighbourhood Plan (NP) which is at regulation 16 “plan proposal” consultation stage. Given its stages in preparation, it is considered that the emerging NP can be afforded only very limited weight, given previous appeal decisions and the advice within the NPPF at paragraph 48. This sets out the weight to be afforded to emerging plans. This states that the more advanced the plan is in its preparation, the greater the weight that may be given to it. Also the extent to which there are unresolved objections and the degree of consistency with the NPPF. As we are mid-consultation, it is too early to know the scale and degree of objections, that will be raised in response to the draft policies. Nor do we have the benefit of the Examiners views and recommendations. As such the Plan is considered to be still at the early stages of preparation, hence the limited weight to be applied to it. The Landscape Appraisal Final Report December 2018, prepared to accompany and inform the NP, has been prepared by a Chartered Landscape Architect and is considered to have significant weight in the determination of this application

7.5 Policy GROWTH2 of the Local Plan, requires that development be permitted only within defined development envelopes and outside of those envelopes, should be restricted to affordable housing exception schemes and dwellings essential for rural workers. However, the local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Plan policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development contained within both Policy GROWTH 5 of the Local Plan and paragraph 11 of the National Planning Policy Framework (NPPF). This means, unless policies of the NPPF specifically restrict the development, that development

proposals should be approved unless any adverse effects of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. There is a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the three objectives of sustainable development as being, economic, social and environmental.

- 7.6 In economic terms the development would make a short term contribution to the economy of the area by creating jobs in construction. In the longer term residents would contribute to the local economy, including supporting some local businesses in surrounding settlements.
- 7.7 As far as the social role is concerned, the dwellings would be provided close to the settlement boundary near to where there are other dwellings, built to sustainable standards and adding to housing supply. The dwellings would be connected to the rest of the village and so would not be isolated. The Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst there has been numerous permissions for housing in Witchford in recent years, with a number of applications still pending, this growth is commensurate with the size of the settlement. Witchford is identified within the Local Plan as a large village, with a good range of services and recreation facilities together with a primary and secondary school and benefits from a regular bus service which runs to Ely and Cambridge. Socially, the provision of additional dwellings would enhance the vitality of Witchford, through an increased number of residents with the potential to spend money locally. Given the site's proximity to the established settlement boundary, the level of goods and services on offer in Witchford, the existence of a primary and secondary school and its connectivity to Ely and Cambridge, it is considered that the site is in a sustainable location, in terms of the Districts locational strategy. In accordance with the NPPF planning permission should therefore be granted unless any adverse effects of doing so, would significantly and demonstrably outweigh the benefits of the development.
- 7.8 This application for up to 70 dwellings would add to the District's housing stock and make a significant contribution towards the shortfall in housing land supply with the provision of any additional dwellings attracting significant weight in the planning balance. The scheme will also include the provision of 30% affordable housing. A benefit of this development would therefore be the contribution it would make in terms of housing supply within the District as a whole.
- 7.9 Together the economic and social benefits of new housing would weigh in favour of this development.
- 7.10 However, the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are the economic, social and environmental objectives.
- 7.11 The environmental dimension of sustainable development is therefore, also an important factor, part of which is the effects of the development on the character and appearance of the area, which will be assessed in this report, together with all other material planning considerations. In accordance with the NPPF, planning

permission should only be granted for sustainable development unless any adverse effects of doing so, would significantly and demonstrably outweigh the benefits of the development. This report will show that it is questionable whether this development is in fact a sustainable form of development due to the impact on the environmental dimension of sustainable development.

8.0 Visual impact

- 8.1 In light of the above, this development proposal must be assessed in terms of any significant and demonstrable harm to the character and appearance of the area both in terms of the impact on the village setting itself and the wider countryside.
- 8.2 Although the application is in outline with all matters reserved apart from access, the visual impact of the development of potentially 70 dwellings equal to a potential density of 22 dwellings per hectare (gross), (8.8 per acre), must be assessed in principle. This means that if one were to discount the site areas which are to remain undeveloped, the density on the developable area would be higher. The applicant has submitted an illustrative site plan which shows how the site could be developed, with the dwellings fronting Sutton Road together with an attenuation pond, with open space provision to the rear of the site and landscaped buffers along the southern and western boundaries.
- 8.3 Policy ENV1 specifies that development should be informed by, be sympathetic to and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines. Positive and complimentary relationships are sought so that it will protect, conserve and where possible enhance amongst other matters the settlement edge, space between settlements and their wider landscape setting, key views into and out of settlements, the unspoilt nature and tranquillity of the area and public amenity and access. This development would not enhance the settlement edge. It would instead, detract from the rural and undeveloped character of this approach to the village. Similarly Policy ENV2 of the Local Plan seeks to ensure that new development relates well to the context of its surroundings and respects density, urban and village character and the landscape of the surrounding area, including important views into and out of settlements.
- 8.4 The NPPF also states that the planning system should contribute to protecting and enhancing the natural and built environment and recognise the intrinsic character and beauty of the countryside.
- 8.5 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The analysis concludes that the change resulting from the proposal;

“is not readily perceived from the adjacent rural Fenland landscape and the key characteristics of the localised and wider landscape setting are unaltered.....the proposal seek to follow the current southern built up edge to Witchford.....It is considered the proposal will not give rise to any significant adverse effects in terms of landscape character, nor would it result in significant harm in terms of its impact on the landscape character of the area” (para 6.3).

It further states “the site is visually well contained due to the low lying and level topography and established vegetation structure...views are limited to areas directly adjacent to the site...with some glimpsed views available from the south” (para 6.4).

8.6 For the reasons set out below this assessment of the landscape impact of this proposal is disputed. The site sits directly adjacent to existing frontage residential development, but provides for development in depth which is not characteristic of this part of the streetscene of Sutton Road, which forms the entrance to the village. Existing development along this approach to the village is characterised by frontage development with a feeling of spaciousness. It has a rural settlement fringe character. Development in depth is not characteristic of this part of the settlement. It is acknowledged that further east there is some development in depth but this is in keeping with the settlement fabric further east which is more built up.

8.7 Also of relevance, is the independent Landscape Appraisal carried out on behalf of Witchford Parish Council, to inform the emerging Neighbourhood Plan.

8.8 This detailed analysis, specifically identifies the site as within the Witchford Southern Slopes character area. This forms the south facing slopes of the Witchford fen island. The site is also identified as an important gateway into the village and for the contribution it makes in extending the landscape into the village.

8.9 The assessment states that

“Sutton Road retains a rural character with grass verges and hedgerows and with a notable concentration of street trees and vegetation in property boundaries and behind properties e.g. north of Needham's Farm. This gives rise to perceptions of a lower density of development than further east and settlement fringe character. The construction of the A142 and associated junction with Sutton Road, coupled with recent housing on the edge of the settlement, has influenced the western gateway into the settlement which is currently weakly defined.

Beyond the settlement edge to the south the land forms a plateau of elevated land which then drops gently towards the fen beyond the 10m contour. Where more recent housing development has occurred behind Main Street close to the 10m contour (Ward Way), it is more visible from land to the south, appearing on the skyline. However, for the most part development is set back on these slopes and is not visible from the wider countryside to the south. However new housing development in this vicinity may give rise to a more visually evident urban edge”.

8.10 The following landscape sensitivities are identified:

- *Land beyond Witchford to the west performs an important physical and visual separation from the village of Wentworth.*
- *Rural characteristics of Sutton Road.*
- *Visual sensitivity of the land south of the urban edge when viewed from the wider landscape.*
- *Rural loose arrangement of dwellings, open agricultural land penetrating the urban area, with views out.*
- *At the western edge of the village dwellings have a loose arrangement and are set back from the A142 junction.”*

- 8.11 And with regard to future guidance for development the Assessment recognises the importance of this site in allowing for views into the countryside from the built form of the village. It states that care should be taken to ensure new development does not result in the loss of gaps between built form or loss of key views from Sutton Road to the south. It also states that views should be retained outwards into the countryside and the extension of built form closer to the A142 should be avoided. Any new development south of Sutton Road should avoid the ridge line and retain open gaps to retain visual connection to the wider landscape and reinforce the low density character of the western end of the village.
- 8.12 It is clear therefore, that this development is not supported by this independent Landscape Appraisal. Significant weight is attached to this independent appraisal and to the fact that the proposal is contrary to Policies ENV 1 and 2 of the adopted Local plan and the NPPF, for the reasons set out below. Notwithstanding the very limited weight to be applied to the NP, the relevant emerging policies are Policies WNP SS1 and WNP LC 1, both of which, this development would be in conflict with.
- 8.13 Although the site is bounded by a hedge along its frontage, it is nevertheless very open, as views into the site are possible over the hedge and from the A142, on approaching the site. The site is not low lying with level topography, as stated within the applicant's LVIA, but rather, the site gently rises such that the hedgerow to the rear of the site frames the skyline. This means that housing on this site would be highly prominent and due to the rise in the landform would be highly prominent against the skyline.
- 8.14 The site relates visually to the large expanse of open land on this western approach to Witchford village and sits within a primarily open landscape that provides a transition to the countryside beyond. The existing settlement edge currently provides a natural and feathered edge to the settlement enabled by the unobtrusive and low level nature of the recent built form. The site however provides for a valuable appreciation of the countryside beyond the settlement, and although long distant views are not possible the subtle rise in landform means that the land leads to an appreciation of the open expanse of land beyond the skyline and hedge to the rear of the site.
- 8.15 The land relates more to the surrounding countryside than to the linear built form of this part of the village and the provision of a large residential development, in depth, in this location would be visually incongruous, prominent and intrusive in this open location and would not provide for a natural extension to the linear built form of this part of the village.
- 8.16 In addition it would have the effect of protruding built form further south, beyond any other built form within the main core of the village further east, and on the sensitive approach to Witchford village. The development would therefore cause significant and demonstrable harm to this edge of settlement location contrary to Policy ENV 1. This development would not enhance the settlement edge. It would instead, detract from the rural and undeveloped character of this approach to the village. Similarly Policy ENV2 of the Local Plan seeks to ensure that new development relates well to the context of its surroundings and respects density, urban and village character and the

landscape of the surrounding area, including important views into and out of settlements. The proposal therefore fails to comply with Policy ENV 2.

- 8.17 The development of this site for housing would create a hard built and urbanising edge to the village with a development form out of keeping with the surroundings even if hedgerows were to be retained and additional planting and open space provided. The applicant is of the view that the development could be assimilated into the surroundings by the existing hedgerows around the site. However the development will be highly visible from the A142 and on approaching the village and from the Public Byway south east of the site as the dwellings sit on a ridge and would still be prominent beyond the hedge on the skyline. In any event, it is considered that unacceptable development cannot be made acceptable by planting.
- 8.18 The proposed development of this site would result in significant and demonstrable harm to the setting of the village in this gateway location and the character and appearance of the countryside. The weight of the adverse environmental impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

9.0 Residential amenity

- 9.1 Policy ENV2 of the Local Plan seeks to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. There are a number of residential properties within close proximity fronting Sutton Road.
- 9.2 The change from an undeveloped piece of agricultural land to a residential development will clearly have an impact on the outlook and setting of these properties and they will be likely to experience an increase in activity from the occupants of that development. However, the plan which was submitted with the application is only indicative and details of scale, appearance and siting would be dealt with at reserved matters stage. Should this plan form part of the reserved matters, it is likely that overlooking would occur to the properties fronting Sutton Road. However, it is considered that this could be adequately mitigated with an alternative layout, to protect residential amenity with the use of soft landscaping, separation distances with existing properties and the height of the proposed dwellings, in line with the requirements of the Design Guide.
- 9.3 It is considered that an acceptable development could be designed at reserved matters stage to ensure that there were no adverse impacts on the residential amenity of adjoining residents or future occupiers of the site by paying particular attention to the garden sizes, overlooking, overshadowing, and buildings being overbearing. It is considered that there would be an increase in noise and disturbance due to increased traffic, however, the vicinity of the site is already impacted by road traffic noise from the A142 so it is not considered that this will cause a significant adverse effect on residential amenity.
- 9.4 Due to the location not far away from the A142, the applicant has submitted a Noise Impact Assessment. This concludes that acceptable external and internal noise levels can be achieved, so long as the detailed layout of rooms ensures that habitable rooms are not located on the noise sensitive facades. This would affect eight of the frontage

properties and the Environmental Health Officer considers that this is achievable, whilst allowing for a partially open window.

10.0 Access and highway safety

- 10.1 The new access is situated in the middle of the site and its creation would involve culverting the frontage ditch and removal of a section of frontage hedge.
- 10.2 In addition, the indicative layout shows that sufficient parking could be provided for each plot in accordance with Policy COM 8 of the Local Plan although this would have to be subject to a detailed assessment at reserved matters stage.
- 10.3 The application is accompanied by a Transport Statement which concludes that the development can be accommodated without significant impact upon the existing highway network. A Travel Plan has also been produced which seeks to reduce the dependency of residents on single occupancy car journeys through the encouragement of sustainable forms of transport, walking and cycling.
- 10.4 The detailed design of the access is acceptable to the County Highway Authority and the Transport Team also accept the findings of the Transport Statement subject to some mitigation measures as follows;
1. Prior to first occupation of the development, the applicant should deliver the installation of a bus shelter at the westbound bus stop on Sutton Road 180m from the site. Details of the shelter to be approved by the Local Highway Authority, and works to be carried out by the applicant as part of S278.
 - 2.S106 payment for maintenance of a bus stop shelter of £7,000 to be installed at the westbound bus stop on Sutton Road.
 3. Prior to first occupation, the applicant shall construct a 2 metre wide footway from the site access continuing east to join with the existing footway outside property 27 Sutton Road. Details to be submitted to and approved in writing by the Local Planning Authority.
- 10.5 If permission were to be granted, these matters would need to be secured by S106 legal agreement and planning condition. Subject to this the proposal complies with the requirements of Policy ENV2 and COM 7 of the Local Plan.

11.0 Flood risk and drainage

- 11.1 Foul water drainage – A pumping station is proposed which will feed into the mains sewers. Anglian Water have confirmed that there will be available capacity for these flows. Residents have raised concerns regarding the comments made by the Environment Agency about the capacity of Witchford Waste Recycling Centre. They state that this application on its own is not a cause for concern but raise concerns that the full quantum of developments in Witchford may not be able to be accommodated within the current discharge permit. However, Anglian Water have been consulted on this planning application and are satisfied that an upgrade of the WRC is not required as part of this development. In any event, AW has a legal duty to accept foul water flows and work with developers to ensure any upgrades are in place.

- 11.2 Surface water drainage – the Flood Risk Assessment demonstrates that the development will not lead to greater risks of flooding either on or off site. The Lead Local Flood Authority are content that the scheme proposed is acceptable, comprising a swale and attenuation pond, with controlled outfall to the ditch to the north of the site. The Lead Local Flood Authority have advised that the Environment Agency data highlighted by residents, and raised within the FRA, is strategic modelling whereas the FRA is very site specific and has dealt with water levels in extreme events.
- 11.3 The proposal is considered to comply with Policy ENV 8 of the Local Plan 2015 and the Cambridgeshire Flood and Water SPD.

12.0 Ecology and archaeology

- 12.1 The application is accompanied by a preliminary ecology appraisal. This concludes that the overall habitats present within the internal areas support species-poor improved grassland habitats, which are unlikely to support any raised ecological value nor support significant populations. Nonetheless, it recommends a precautionary approach is taken to any initial ground disturbance in order to ensure that any risk to faunal species is considered and avoid any potential offences. There is no evidence to suggest there are any over-riding ecological constraints to the current proposals. Biodiversity improvements to the site could be secured by planning condition. The proposal therefore accords with Policy ENV 7.
- 12.2 The Historic Environment team are satisfied that an archaeological investigation can be dealt with by way of condition.

13.0 Other Material Matters

- 13.1 The applicant has agreed to provide 30% affordable housing in accordance with Policy HOU 3 of the Local Plan.
- 13.2 CCC education have requested education contributions for early years and primary provision to mitigate the impacts of this development. However, this would require the acquisition of additional land from a proposed development site in order to be built. Contributions are also sought for secondary provision to extend the school. If permission were to be granted these contributions would be sought from the applicant and secured by S106 agreement.
- 13.3 Policy ENV 4 requires all new development to aim for reduced or zero carbon in accordance with the zero carbon hierarchy. The detailed design of the scheme is a reserved matter and as such the detail of energy efficiency measures will be dealt with at reserved matters stage. However to ensure this is complied with a condition would be attached to any outline permission granted.

14.0 Planning balance

- 14.1 Whilst the proposed housing would contribute towards the housing shortfall in the District, as well as 30% affordable housing, it is considered that it does not represent a sustainable form of development, as it would create a prominent,

urbanising and visually intrusive development causing significant and demonstrable harm to the character of the countryside and this edge of settlement location.

- 14.2 The benefits of the proposal, in economic terms the development would make a short term contribution to the economy of the area by creating jobs in construction. In the longer term residents would contribute to the local economy, including supporting some local businesses in surrounding settlements
- 14.3 As far as the social role is concerned, the dwellings would be provided close to the settlement boundary near to where there are other dwellings, built to sustainable standards adding to housing supply.
- 14.4 On balance therefore this application is recommended for refusal as the benefits of the development are outweighed by the significant and demonstrable harm, caused by the creation of a prominent urbanising and visually intrusive development causing significant and demonstrable harm to the character of the countryside and the edge of settlement location by further elongating the built form of the settlement, into an important gateway to Witchford. The loss of this site to development would also have a detrimental impact on the character of the area by the loss of a space which allows the landscape to extend into the village.

15.0 COSTS

- 15.1 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.
- 15.2 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.
- 15.3 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.
- 15.4 In this case members' attention is particularly drawn to the following points:
- The significant and demonstrable harm to the character and appearance of the countryside and the village setting.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00966/OUM	Barbara Greengrass Room No. 011	Barbara Greengrass Planning Team

The Grange
Ely

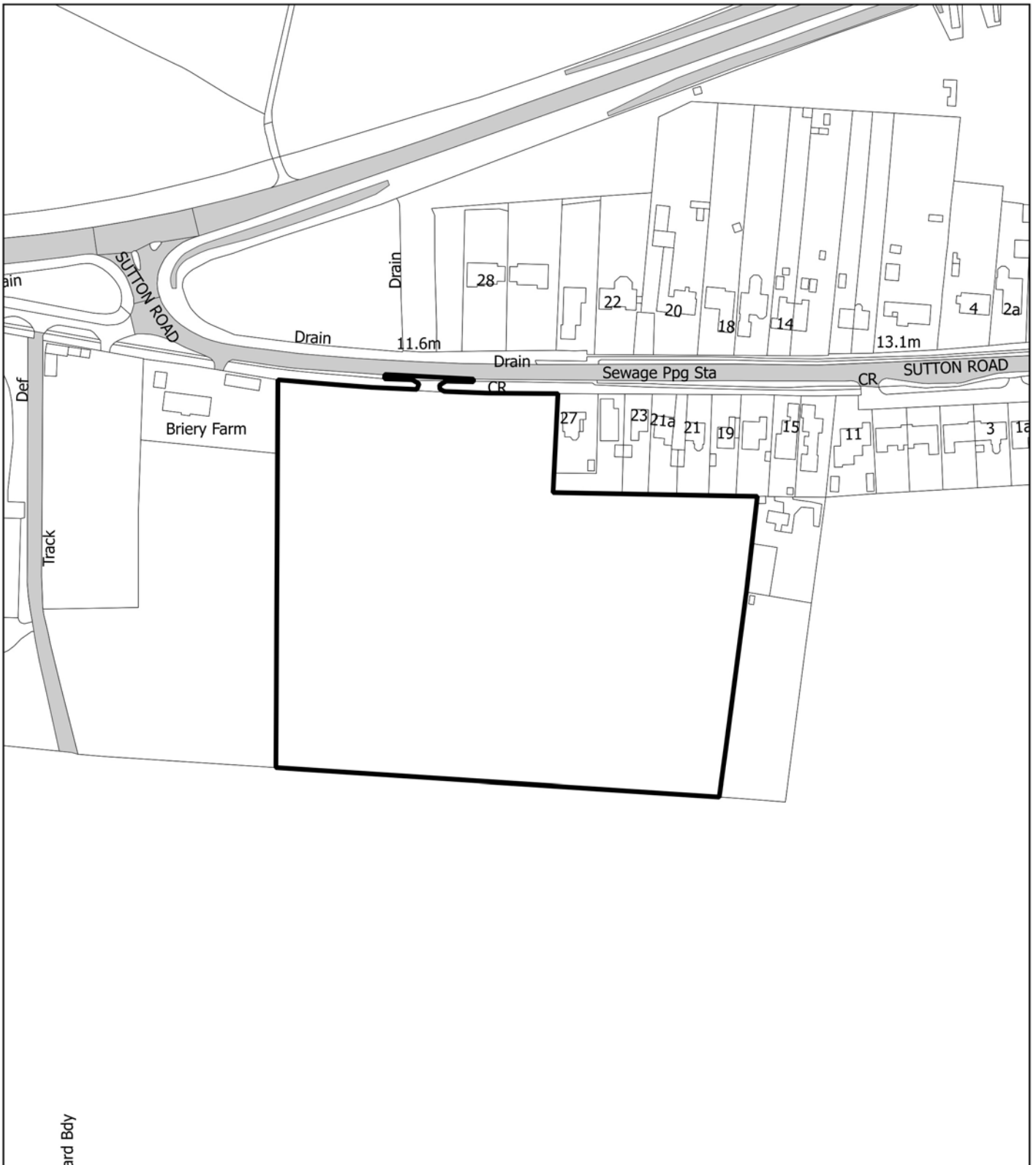
Leader
01353 665555
barbara.greengrass
@eastcamb.s.gov.uk

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



19/00966/OUM

Land between
27 and 39 Sutton Road
Witchford



East Cambridgeshire
District Council

Date: 14/10/2019
Scale: 1:2,500



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MAIN CASE

Reference No: 19/01030/FUL

Proposal: Construction of 4 bedroom detached dwelling with new vehicular access and associated works

Site Address: Land Adjacent To 58 West Street Isleham Ely
Cambridgeshire CB7 5RA

Applicant: Mr D Clarke

Case Officer: Rachael Forbes, Planning Officer

Parish: Isleham

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

Date Received: 18 July 2019 **Expiry Date:**
6th December
2019

[U107]

1.0 RECOMMENDATION

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

- 1) The application site is located in the residential garden of 58 West Street. 58 West Street and the adjacent dwelling 58a West Street are similarly designed dwellings in large spacious plots. It is considered that the proposed dwelling would erode the symmetry of the existing two plots and would result in an unbalanced appearance. The proposed dwelling is poorly orientated and fails to relate well to the existing built form; the principal elevation does not face either the private road or West Street and therefore does not benefit from a proper street frontage which reflects other similar developments in the locality. The proposal is therefore contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 as it does not provide a complementary relationship with the existing development or relate sympathetically to the surrounding area.
- 2) The adopted Design Guide SPD sets out that there should be 20 metres between rear inter visible windows. The proposed window on the south elevation is a side window, however it is directly facing the windows on the rear elevation of number 56 West Street, with a distance of 10.2 metres between the windows, which would result in a direct overlooking impact to number 56 West Street. The

proposal is therefore contrary to policy ENV 2 of the East Cambridgeshire Local Plan, 2015 in respect of residential amenity.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks planning permission for a four bedroom detached dwelling with new vehicular access and associated works. The application site forms part of the existing residential garden area at 58 West Street. The site would be accessed from West Street through an existing private drive between numbers 54 and 56 West Street.
- 2.2 The planning history at the site consists of four applications and are a material consideration of this application. The first application is 14/00309/FUL for the construction of a detached dwelling. This was recommended for refusal on highways grounds but was approved at Planning Committee. 15/01367/FUL sought the erection of a 1 ½ storey dwelling, garage and new access to the north of the site. Both of these applications originally proposed two dwellings, but were amended to one due to the sensitivity of the location. 17/00099/FUL sought to enlarge the dwelling approved under 14/00309/FUL and was approved. 17/00896/OUT sought outline permission for a dwelling, double carport and access and was refused on highway grounds and was dismissed at appeal. This appeal decision is attached as appendix 1.
- 2.3 The application has been called in to Planning Committee by Cllr Julia Huffer as she considers the application is worthy of a wider discussion.
- 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.eastcamb.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1
- | | | | |
|--------------|---|----------|------------|
| 14/00309/FUL | Construction of one detached dwelling. | Approved | 19.11.2014 |
| 15/01367/FUL | Proposed one 1 & 1/2 Storey dwelling, garage and new access drive | Approved | 29.07.2016 |
| 17/00099/FUL | Construction of four bed detached dwelling and garage | Approved | 03.04.2017 |

17/00896/OUT	Outline application for proposed dwelling, double carport, parking, access & associated site works	Refused Appeal dismissed	26.07.2017 29.08.2018
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is part of the residential garden of number 58 West Street. To the south east of the site are single storey bungalows in modest plots which front West Street. To the north west of the site are numbers 58 and 58a West Street, which were approved under applications 14/00309/FUL (re-applied for under 17/00099/FUL) and 15/01367/FUL. To the east of the site is a private drive, which is the access for 58 and 58a West Street as well as further dwellings to the north west. To the east of the site, there has been approval for three dwellings (19/00366/FUL), two of which will sit behind the existing bungalow at 72 West Street and one is a conversion of the existing barn to the front of the site. The private road is lined with TPO trees and at the end of the road are two Listed Buildings; Isleham Hall – 60, 62, 64, 66, 68 West Street (Grade II, LEN 1331733), which is now divided into separate dwellings and Barn and Warehouse, West Street (Grade II, LEN 1160729).

5.0 RESPONSES FROM CONSULTEES

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

Parish - 12 August 2019

Isleham Parish Council has no concerns about the application.

Ward Councillors – Cllr Huffer has called the application into Planning Committee as she considers it worthy of wider discussion.

Local Highways Authority - 6 August 2019

'The Highways Authority has no objection in principle to this application. The development benefits from an existing access with the highway and the shown width of 5m for 15m is adequate to accommodate this additional dwelling'.

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

ECDC Trees Team - 26 September 2019

'Details of tree protection for the TPO tree adjacent the site are required, along with a soft landscaping plan, these can be by condition'.

Waste Strategy (ECDC) - 7 August 2019

No objections.

Cambridgeshire Archaeology - 17 September 2019

‘Our records indicate that the wider site has been subject to archaeological investigation carried out against the conditions imposed on prior adjacent applications ref 15/01367/FUL and 14/00309/FUL for development of the wider site.

This investigation identified significant archaeological remains in the southern half of the development area, comprising a circular structure which is thought to represent the foundations of a post-mill and for which a report of results on the subsequent open-area investigation of the archaeological remains is pending. It is unfortunate that the preliminary evaluation, for which trial trenches were inevitably positioned to target the build footprints of 15/01367/FUL and 14/00309/FUL, did not therefore include trenching across the southern part of the site in the zone of impact for 19/01030/FUL. It should be noted however that the subsequent open-area excavation partially overlapped the northernmost part of the build footprint for the proposed new dwelling and, as such, it is considered that there may be limited additional information to be gained by additional evaluation trenching of the remaining area when weighed against the viability of the proposals, and the potential for ancillary structures relating to the probable post-mill is unknown until the analysis of the remains is completed and a report of results is available.

Reluctantly, therefore, it must be acknowledged that it is debatable whether such an evaluation could be considered justifiable under the terms of the NPPF, however we would request to be consulted again if the scale of the proposals changes, or if the proposed dwelling is re-positioned within the plot as this could represent a materially different balance of impact’.

Environmental Health - 25 July 2019

‘Under section 6 of the Application Form the applicant has indicated 'no' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. As any residential property is classed as vulnerable to the presence of contamination I advise that contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, to be attached to any planning permission granted’.

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

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2 Locational strategy
GROWTH 5 Presumption in favour of sustainable development
ENV 1 Landscape and settlement character

- ENV 2 Design
- ENV 7 Biodiversity and geology
- ENV 8 Flood risk
- ENV 9 Pollution
- ENV 12 Listed Buildings
- ENV 14 Sites of archaeological interest
- COM 7 Transport impact
- COM 8 Parking provision

6.2 Supplementary Planning Documents

Design Guide

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

Flood and Water

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations in the determination of this application are the principle of development, visual amenity, residential amenity, highway safety and parking, impact on the heritage assets and historic environment, ecology and trees, flood risk and contamination.

7.2 Principle of Development

7.3 The site is located outside of but adjacent to the development framework boundary of Isleham and the proposal to erect a dwelling would therefore be contrary to Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015. However, in the absence of a five year supply of land for housing, Paragraph 11 of the NPPF applies, which states that relevant policies for the supply of housing should not be considered up-to-date and housing applications should be considered in the context of the presumption in favour of sustainable development. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

7.4 The site is adjacent to the development framework boundary and will be sited between existing residential development. The site is located within an approximate 10 minute walk of the post office, the closest shop, the closest public house, the

closest church and the primary school. It is therefore considered that the residential development in this location is acceptable in principle, subject to all other material planning considerations.

8.0 Visual Amenity

- 8.1 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 8.2 West Street contains a mix of architectural styles of dwellings of varying ages and sizes. The streetscene close to the application site predominantly consists of modest single storey dwellings fronting the highway. The frontage has been punctuated with some backland development, including 48a, 50a, 58 and 58a West Street and the recently approved dwellings to the rear of 72 West Street.
- 8.3 As noted above, there were two applications, 14/00309/FUL for the construction of a detached dwelling and 15/01367/FUL for the erection of a 1 ½ storey dwelling, garage and new access to the north of the site; both of these applications originally proposed two dwellings, but were amended to one due to the sensitivity of the location. The officer report for 15/01367/FUL stated:
- 8.4 *'Given the sensitivity of the location, the original proposal for two 1 ½ storey dwellings on the site would have been at odds with the existing character, with a resulting adverse effect on the visual amenity of the area. The area in the vicinity of the site has an open spacious character with views of the Listed Hall beyond the attractive boundary wall which is an important feature of the site and the backdrop to the Listed Building. This spacious character would have been harmed by two dwellings on this plot, similar to the original proposal for two plots on the site immediately to the south. That application was likewise amended to reduce the number of dwellings to one.'*
- 8.5 Application 17/00896/OUT sought outline permission for a dwelling, double carport and access on the north of the two plots. It was considered by the Local Planning Authority that the proposal would not have a detrimental impact on the character and appearance of the area or streetscene but was refused on highway safety grounds. The decision was appealed and dismissed with the inspector noting in Paragraphs 20 and 21 of the appeal decision:
- 8.6 *'Although the appellant states that the dwelling would merely complete new development within the walled area, there is nothing before me to suggest that there is any imperative to have a line of three dwellings along this section of the access track.*
- 8.7 *Moreover, it appears that the two recently approved dwellings have been designed to form a pair of similarly sized dwellings on generous plots. This impression was confirmed by my observations on site. If the appeal was allowed, the garden of the*

host dwellings would be significantly smaller than that of its neighbour, and the line of dwellings would appear unbalanced’.

- 8.8 Given the presence of the existing two dwellings between the proposed development and the Listed Buildings to the North West it is considered that the proposed dwelling would not result in harm to the significance of the Listed Buildings. However, it is considered that it would be contrary to the character and appearance of the existing plots.
- 8.9 The character of the existing plots are of two similar sized dwellings in large spacious plots. The introduction of a third dwelling in these plots would result in an unbalanced appearance and erode the existing symmetry of the two plots. As a further dwelling cannot be achieved on the northern plot due to the private road not being suitable for intensification of use, there would be no opportunity to achieve that balance. Furthermore, the Local Planning Authority have already concluded that the cumulative impact of further dwellings in this location would be harmful to the character and appearance of the area.
- 8.10 Further to this, the dwelling does not relate well to its surroundings due to its orientation. The principal elevation of the dwelling faces into its garden and does not face the private road, as the two adjacent dwellings do, nor does it face West Street as the dwellings to the south at 52, 54 and 56 West Street do.
- 8.11 The proposal is therefore considered to result in harm to the character and appearance of the area as it would erode the existing symmetry and spacious character of the existing two dwellings. Furthermore, the proposal relates poorly to its surroundings due to its orientation and is therefore considered to be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

9.0 Residential Amenity

- 9.1 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 9.2 The proposed dwelling has four adjacent neighbours; 52, 54, 56 and 58 West Street.
- 9.3 The Design Guide SPD states that the distance between rear inter-visible windows should be a minimum of 20 metres which will require the rear elevation of a dwelling to be located at least 10 metres from the boundary. The proposed dwelling has a two windows on the side elevation which will be directly opposite the rear windows of the adjacent dwelling, 56 West Street. The first floor window serves an en-suite and drawing number P-6145-01 states that this window would be obscure glazed to avoid overlooking. The ground floor window serves a kitchen and this is approximately 10.2 metres from the rear elevation of 56 West Street. It is considered that the distance between these windows falls short of the distance set out in the Design Guide SPD and would result in a significant overlooking impact.

- 9.4 The proposed dwelling would be situated approximately 4.4 metres from the south elevation of 58 West Street. There are two windows on the elevation facing 58 West Street; one will serve a WC, which could be obscure glazed and the other is a rooflight to serve a boot room. It is considered that the proposal would not result in a significant overlooking impact to 58 West Street.
- 9.5 Given that the proposed dwelling is to the south 58 West Street, it is considered that the proposal could result in an overshadowing impact to the side elevation of 58 West Street; there are two windows on this elevation which both serve a sitting room. There are also three other windows serving this room and it is therefore considered that any overshadowing impact would not be significant enough to warrant refusal of the application on this basis.
- 9.6 It is considered that the proposal would not result in an adverse impact to numbers 52 and 54 West Street in respect of residential amenity given the separation distance between them.
- 9.7 It is considered that the dwelling would provide a good level of amenity to future occupiers; the plot is in excess of the 300sqm set out in the Design Guide SPD and the built form does not take up more than a third of the plot. The garden area provided is in excess of the 50sqm recommended in the Design Guide SPD.
- 9.8 The proposal is considered contrary to ENV 2 in respect of residential amenity as it would result in a significant overlooking impact to number 56 West Street due to insufficient distance being provided between direct facing windows as set out in the Design Guide SPD.

10.0 Historic Environment

- 10.1 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Listed Buildings.
- 10.2 Policy ENV12 of the East Cambridgeshire Local Plan, 2015 states that proposals that affect the setting of a Listed Building will only be permitted where they would:
- Preserve or enhance those elements that make a positive contribution or better reveal the significance of the heritage asset
 - Not materially harm the immediate or wider setting of the Listed Building
 - Facilitate the long term preservation of the building.
- 10.3 Policy ENV14 states that development proposals at or affecting all sites of known or potential archaeological interest will have regards to their impacts upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains, heritage assets and their settings.
- 10.4 To the north west of the site there are two Listed Buildings; Isleham Hall – 60, 62, 64, 66, 68 West Street (Grade II, LEN 1331733), which is now divided into separate dwellings and Barn and Warehouse, West Street (Grade II, LEN 1160729). As

noted in the 'Visual Amenity' section of this report, it is considered that given the presence of the two dwellings to the north and the separation distance between the proposed dwelling and the Listed Building, that the proposed dwelling would not result in harm to the setting of the Listed Building and would therefore comply with policy ENV 12 of the East Cambridgeshire Local Plan, 2015.

- 10.5 The County Council Archaeology Team have been consulted as part of the application and have commented that the wider site has been subject to archaeological investigation carried out against the conditions imposed on prior adjacent applications 15/01367/FUL and 14/00309/FUL and that this investigation identified significant archaeological remains in the southern half of the development area, comprising a circular structure which is thought to represent the foundations of a post-mill and for which a report of results on the subsequent open-area investigation of the archaeological remains is pending. They noted that the subsequent open-area excavation partially overlapped the northernmost part of the build footprint for the proposed new dwelling and therefore they considered that there may be limited additional information to be gained by additional evaluation trenching of the remaining area when weighed against the viability of the proposals.
- 10.6 They concluded by acknowledging that it is debateable whether such an evaluation could be considered justifiable under the terms of the NPPF but requested to be consulted again if the scale of the proposal changed, or if the proposed dwelling was re-positioned within the plot as this could represent a materially different balance of impact. It is considered that when taking the above consultation response in account that it would not be reasonable to impose a condition for archaeological investigation.
- 10.7 The proposal is therefore considered to comply with policies ENV 12 and ENV 14 of the East Cambridgeshire Local Plan, 2015.

11.0 Highway Safety and Parking

- 11.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. The Local Highway Authority has been consulted as part of the application and have no objection in principle as the development benefits from an existing access with the highway and the width shown on drawing number P-6145-02 is adequate to accommodate the additional dwelling.
- 11.2 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. The plans show provision of a double garage to provide two parking spaces along with a parking and turning area, which would comply with the requirement for two parking spaces per dwelling.
- 11.3 The proposal is therefore considered to comply with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

12.0 Ecology and Trees

- 12.1 Policy ENV7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
- 12.2 It was considered under 14/000309/FUL that the proposal was unlikely to result in any adverse impact on biodiversity or protected species given the location of the site and the fact that no trees and hedges would be removed. The TPO trees are being retained and the plans show that new planting of native trees and hedgerow is proposed to provide biodiversity enhancements. Further enhancement could be secured by a suitably worded condition.
- 12.3 There are TPO trees adjacent to the site on the private road. The Trees Officer has commented that details of tree protection for the TPO trees adjacent to the site are required, along with a soft landscaping plan but that these could be secured by condition.
- 12.4 The proposal is therefore considered to comply with policy ENV 7 of the East Cambridgeshire Local Plan, 2015.

13.0 Flood Risk and Drainage

- 13.1 The site is entirely located within floodzone 1 and is therefore considered at the lowest risk of flooding and a location where residential development is acceptable in terms of flood risk. The application form states that surface water will be disposed of via soakaways, however, this has not been shown on the plan. It is therefore considered reasonable and necessary that a scheme for the provision of surface water drainage should be secured via condition, if the application is approved.
- 13.2 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.

14.0 Planning Balance

- 14.1 The planning history and appeal decision form a material planning consideration for this application and it was considered that more than two dwellings in this location have been considered unacceptable on the grounds of harm to the character of the area, harm to the setting of the Listed Buildings to the North West and on highway safety grounds.
- 14.2 It is considered that the proposal would result in harm to the character and appearance of the area by virtue of the introduction of a third dwelling into the two existing plots and would result in an unbalanced appearance and erode the symmetry of the two plots. The dwelling relates poorly to its surroundings by virtue

of its orientation as the principal elevation faces into the garden and does not address a proper road frontage in accordance with the other dwellings in the locality.

- 14.3 The proposal is also considered contrary to policy ENV 2 in respect of residential amenity due to the insufficient distance between direct facing windows on the proposed dwelling and at number 56 West Street which would result in a direct overlooking impact.
- 14.4 The proposal is therefore considered to result in harm to the character and appearance of the area as it would erode the existing symmetry and spacious character of the existing two dwellings. It does not relate well to its surroundings due to its orientation. The proposal would result in significant harm to residential amenity due to a direct overlooking impact and is therefore considered to be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

The application is therefore recommended for REFUSAL.

15.0 **APPENDICES**

- 15.1 Appendix 1 - Appeal Decision for 17/00896/OUT.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01030/FUL	Rachael Forbes Room No. 011 The Grange	Rachael Forbes Planning Officer 01353 665555 rachael.forbes@eastcambs.gov.uk
14/00309/FUL 15/01367/FUL 17/00896/OUT	Ely	

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



Appeal Decision

Site visit made on 7 August 2018

by Amanda Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2018

Appeal Ref: APP/V0510/W/18/3194423

Land opposite 70 West Street, Isleham CB7 5RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Dale Clarke against the decision of East Cambridgeshire District Council.
 - The application Ref 17/00896/OUT, dated 22 May 2017, was refused by notice dated 28 July 2017.
 - The development proposed is outline application for proposed dwelling, double car port, parking access and associated site works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline permission with approval sought for access, layout and scale.
3. The emerging local plan has been submitted for examination and may yet change. As such, although both main parties have referred to various policies in that plan in support of their arguments, I have given those policies limited weight in my reasoning.

Main Issue

4. The main issue is the effect of the development on highway safety.

Reasons

5. The development is for a dwelling located along a long narrow access track. The track currently serves two recently approved dwellings and, according to the parish council, another eight pre-existing households.
6. The access track is lined on both sides by mature sycamores which are protected by a Tree Preservation Order. As such, it cannot be widened to allow two-way traffic. A passing place between two trees has been provided about 18 metres from the **track's junction with** West Street. The transport statement notes that its width, at 4.6 metres, would allow two cars to pass. However, in my experience this is less than the carriageway width required for two way traffic on a residential estate, and also less than the width of two standard parking bays. Whilst two cars would be able to pass at this point, albeit with

- care, it seems less likely that two larger vehicles would be able to pass so readily.
7. A survey of vehicle movement along the track undertaken on an October weekday recorded a maximum of four vehicle movements in any 15 minute period. The development would add between 6 – 8 vehicle movements per day. However, such movements are unlikely to be evenly spaced. Given my reservations with regard to the dimensions of the passing place, the likelihood of incoming vehicles having to wait on West Street cannot be ruled out. The width of West Street suggests that such a scenario would be likely to cause a degree of short term congestion.
 8. Furthermore, the geometry of the junction and **the track's** high boundary walls suggest that there would be limited visibility along the track for incoming vehicles. This would reduce opportunities for those vehicles to give notice to other road traffic on West Street that the turn into the track would be delayed. The transport statement argues that traffic volume on West Street is sufficiently low to avoid significant disruption to traffic flow. Nonetheless, it is a through route to the village centre with dwellings on both sides.
 9. Notwithstanding that the development's effect on the character and appearance of the area is not a main issue, the evidence before me indicates that the continued preservation of these trees is a key consideration for the Council and I see no reason to disagree. The transport statement notes that as the first trees on the access are set back from the road, this gives additional manoeuvrability at the junction with West Street. However, the ground levels of the soft verges appear to be slightly raised above track level, and already show signs of damage through overrunning. Point F of Policy COM7 of the Local Plan¹ (LP) states that development should be **capable of accommodating the level/type of traffic generated without detriment to the local highway network, and the amenity, character or appearance of the locality**. Although **there is nothing before me which shows the trees' precise location, engineering solutions to provide additional level hard surfacing could encroach into their root zones and have an adverse effect on their future health and longevity**. This would be an unsatisfactory solution to the awkward layout of the junction.
 10. In any case, the highway authority is concerned that the junction would fail to provide visibility splays as set out in the Manual For Streets (MfS). The high boundary walls of the access track extend as far as the footway, and in the absence of evidence to the contrary I conclude that the visibility for vehicles and pedestrians at the junction would not meet the standards set out in MfS. This would aggravate the situation in relation to the inability of incoming vehicles to see outgoing traffic before reaching the junction. This lack of adequate visibility would lead to increased hazards for both vehicles and pedestrians.
 11. Moreover, there is no room for a dedicated footway along the track, which is an additional risk for pedestrians, or people with mobility scooters or pushchairs. Nor is there anything before me to suggest that the track would be lit at night. This suggests that modal alternatives to vehicular traffic for future occupiers would be neither safe nor convenient.

¹ East Cambridgeshire District Council Local Plan 2015

12. Given that the intensification of the track is relatively recent, I give limited weight to the historic data suggesting that the junction has operated safely for many years. Although this development would be a small incremental increase above existing and approved use, use of the track has already been increased over the last few years through the building of two other dwellings. Moreover, these recent dwellings appear fairly large and the evidence before me indicates that a large proportion of the pre-existing dwellings are flats. As such, not only has the number of households significantly increased compared to the number of pre-existing households, but the nature of those new households and associated transport patterns is also likely to be significantly different.
13. As such, I consider it appropriate to take the cumulative effect of this development and the previously approved dwellings into account, and conclude that the cumulative effect of this development would represent a significant proportionate increase in use of the access track.
14. Furthermore, the appellant argues for this appeal that the plot of the host dwelling is large enough for subdivision. On that basis it could be considered that the residential plot of the other approved dwelling, which is broadly the same size, is also large enough for further subdivision. If this appeal is allowed on the basis that the incremental harm to highway safety from one additional dwelling is not significant, a further application for a fourth dwelling would be difficult for the Council to resist on highway grounds.
15. My reasoning in this regard is reinforced by the observation that an original application for three dwellings was refused, but the appellant has subsequently applied for single dwellings. Moreover, the parish council notes that an earlier application was for a block of four dwellings.
16. I appreciate that highway access standards are sometimes not met. However, I am not satisfied that this observation justifies any further intensification of the use of this particular access and junction. As such, I consider that the limit of use on this track, which fails to meet current access standards, has been reached.
17. In the light of the above, the development would have an adverse effect on highway and pedestrian safety, contrary to LP Policy COM7. This requires development to have safe and convenient access to the highway network, and be capable of accommodating the level/type of traffic generated without detriment to the local highway network, amongst other considerations.

Listed Building

18. The site is located in the vicinity of a Grade II listed building. There is limited information before me with regard to the significance of the setting of the listed building, and the Council has not raised any concern in this regard.
19. The appellant argues that the northern boundary wall provides screening and separation from the listed building, and I concur that this is the case. Although the wall has a substantial gap in its length, which is currently boarded up, I have taken the view that if the appeal was allowed this gap in screening could be addressed. As such, on the basis of the evidence before me I see no reason **to disagree with the Council's conclusion.**

Other matters

20. Although the appellant states that the dwelling would merely complete new development within the walled area, there is nothing before me to suggest that there is any imperative to have a line of three dwellings along this section of the access track.
21. Moreover, it appears that the two recently approved dwellings have been design to form a pair of similarly sized dwellings on generous plots. This impression was confirmed by my observations on site. If this appeal was allowed, the garden of the host dwelling would be significantly smaller than that of its neighbour, and the line of dwellings would appear unbalanced.
22. Furthermore, the site lies outside the development envelopes of both the current LP and emerging local plan. I appreciate that the emerging local plan allows infill development outside the settlement boundary, but as noted above, this may change. In any case, the appellant concedes that the development would not meet all the criteria for infill development set out in the emerging plan.
23. I also note that Paragraph 70 of the National Planning Policy Framework (the Framework) qualifies a requirement for the inclusion of windfall housing supply sites by stating that plans should consider the case for setting out policies to resist the inappropriate development of residential gardens.
24. Paragraph 109 of the Framework states that development should only be refused on highways grounds if the impact on the road network would be severe. However, Paragraph 108 states that it should be ensured that safe and suitable access can be achieved for all users. Notwithstanding the apparent tension between these two paragraphs, I have concluded this development would not have safe and suitable access. My reasoning in this regard is supported by the LP Policy referred to above.
25. Interested parties have raised concerns in relation to the living conditions of occupiers of the recently approved dwellings, biodiversity and the character and appearance of the area. However, as I have found in respect of the main issue it is not necessary for me to consider these issues further.

Conclusion and Planning Balance

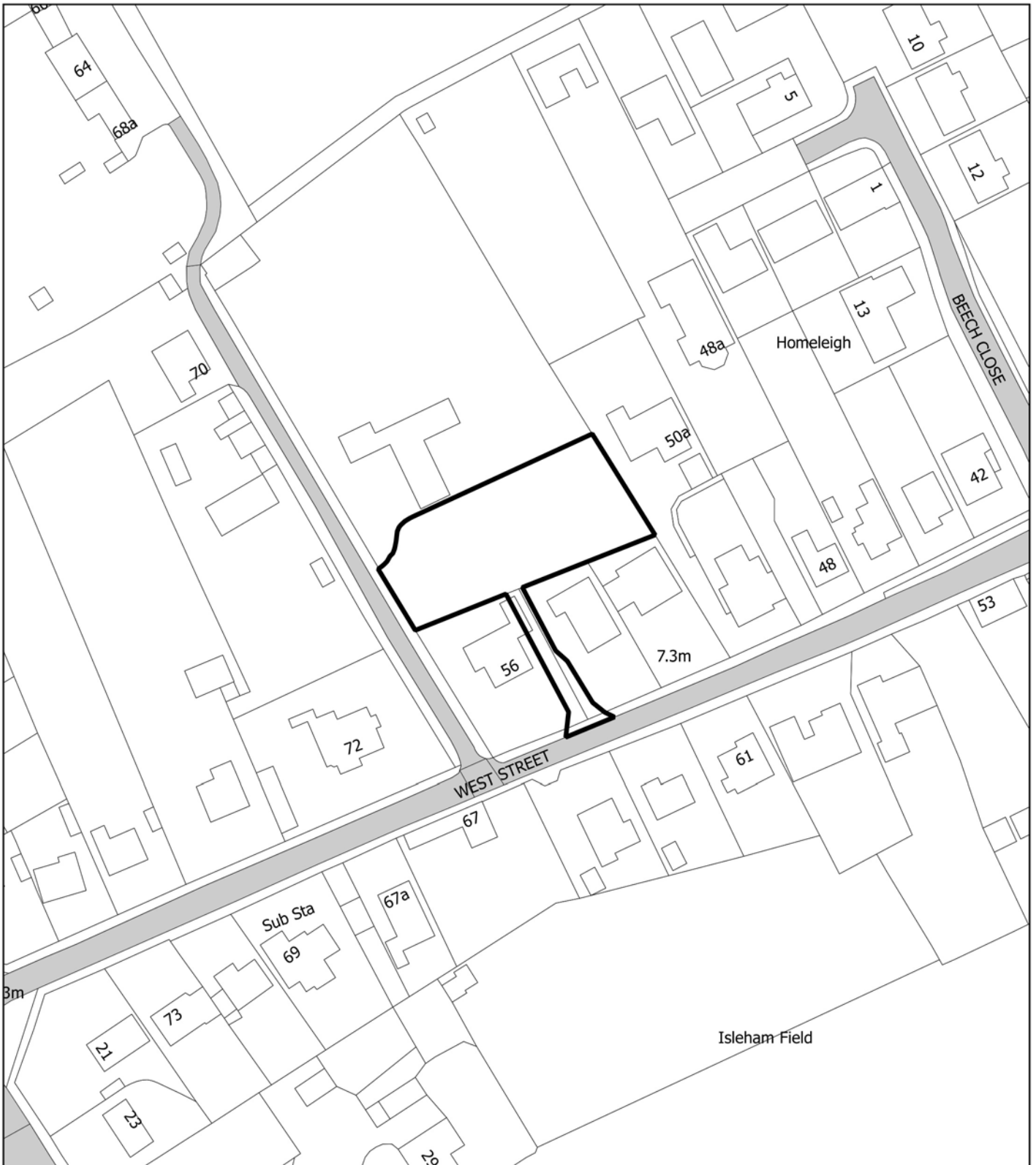
26. The Council does not dispute that it does not have a five year housing land supply. However, this does not automatically lead to the granting of planning permission.
27. The appellant argues that the development would meet the three overarching objectives of the Framework. However, one dwelling would make a limited contribution to local housing supply and the boost to the local economy and society would be similarly limited. Furthermore, the parish council has highlighted that the local primary school is at capacity, the nearest secondary school is five miles away and the local bus service comprises two buses each week. I also note that opportunities for local employment are limited. As such, future occupiers would be heavily dependent on the private car. Although the development would represent an effective use of land, it would not advance the move to a low carbon economy as set out in the environmental objectives of the Framework. I conclude that the presumption in favour of sustainable development should not apply and that the adverse

impacts of the development, as identified above, would significantly and demonstrably outweigh the limited benefit of one additional dwelling.

28. For the reasons given above and taking all matters into account, I conclude **that the development would be contrary to the relevant policies of the Council's** Local Plan and the Framework, and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR



19/01030/FUL

Land Adjacent to
58 West Street
Isleham



East Cambridgeshire
District Council

Date: 14/10/2019
Scale: 1:1,250



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Planning Performance – September 2019

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

All figures include all types of planning applications.

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validation	188	1	51	43	17	26	49
Determinations	153	2	27	34	15	34	41
Determined on time (%)		100% (90% within 13 weeks)	96% (80% within 8 weeks)	97% (90% within 8 weeks)	100% (90% within 8 weeks)	59% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved		2	23	30	10	33	39
Refused		0	4	4	5	1	2

Open Cases by Team (as at 21/10/2019)							
Team 1 (3.5 FTE)	157	15	50	21	26	45	0
Team 2 (3 FTE)	133	16	43	17	17	40	0
Team 3 (3 FTE)	98	6	20	34	19	19	0
No Team (6 FTE)	87	13	15	1	14	12	32

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

The Planning department received a total of 203 applications during September which is a 17% increase on September 2018 (174) and 4% increase from August 2019 (196).

Valid Appeals received – 8

14A The Cotes Soham – Committee Decision
 3 Main Street Wentworth – Committee Decision
 Site North East Of 2 Croft Park Road Littleport – Delegated Decision
 Gosling Cottage 165 The Street Kirtling – Committee Decision
 Site East Of Builders Yard Hod Hall Lane Haddenham – Delegated Decision
 Site North East Of 2 Main Street Wardy Hill – Delegated Decision
 Mydentist 26 St Marys Street Ely – Delegated Decision
 14 Second Drove Little Downham – Delegated Decision

Appeals decided – 2

Site Rear Of 131 North Street Burwell – Allowed – Committee Decision
 (with Officer Recommendation)
 5 Holmes Lane Soham – Allowed – Delegated Decision

Enforcement

New Complaints registered – 32 (6 Proactive)

Cases closed – 45 (13 Proactive)

Open cases/officer (3FTE) – $255/3 = 85$ per FTE (33 Proactive)

No Notices served