



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone 01353 66555

MEETING: PLANNING COMMITTEE

TIME: 1:00pm

DATE: Wednesday 7th April 2021

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

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

TELEPHONE: (01353) 66555 EMAIL: caroline.evans@eastcambs.gov.uk

MEMBERSHIP:

Conservative Members

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

Liberal Democrat Members

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

Independent Member

Cllr Sue Austen (Lead Member)

Substitutes:

Cllr David Ambrose Smith
Cllr Lis Every
Cllr Julia Huffer

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Substitute:

Cllr Paola Trimarco

Lead Officer

Rebecca Saunt, Planning Manager

Quorum: 5 Members

AGENDA

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

3. Minutes

To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 3rd March 2021.

4. Chairman's Announcements

[oral]

5. TPO/E/04/20

Proposal: Confirmation of Tree Preservation Order E/04/20

Location: Land Rear of 30 to 40 Garden Close, Sutton

6. 20/01486/VAR

Proposal: To vary Condition 1 (Approved Plans) of previously approved 19/01229/FUL for Proposed two storey dwelling, garage, parking, access and associated works

Location: Land Between 37 And 38 Great Fen Road, Soham, Cambridgeshire

Applicant: Mr & Mrs M Hill

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJJ538GGJL000>

7. 20/01544/FUL

Proposal: First floor extension and ground floor battery store

Location: 14 West Lodge Lane, Sutton, Ely, Cambridgeshire CB6 2NX

Applicant: Mr Karl Hogg

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QLONYDGG0D800>

8. 21/00208/FUL

Proposal: Single storey side extension forming kitchen

Location: Broomstick Cottage, 28 The Cotes, Soham, Ely, Cambridgeshire

Applicant: John & Pat Walsh

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QOB9U5GGN1K00>

9. 21/00209/LBC

Proposal: Single storey side extension forming kitchen

Location: Broomstick Cottage, 28 The Cotes, Soham, Ely, Cambridgeshire

Applicant: John & Pat Walsh

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QOB9UBGGN1L00>

10. Planning Performance Report – February 2021

NOTES:

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

2. The Council has a scheme to allow public speaking at Planning Committee using the Zoom video conferencing system. If you wish to speak at the Planning Committee, please contact Adrian Scaites-Stokes, Democratic Services Officer, adrian.scaites-stokes@eastcambs.gov.uk to register your wish to speak by 10am on Tuesday 6th April. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to access remotely, or do not wish to speak via a remote link. Please note that public speaking, including the reading aloud of statements, is limited to 5 minutes in total for each of the following groups:
 - Objectors
 - Applicant/agent or supporters
 - Local Parish/Town Council
 - National/Statutory Bodies
 3. A livestream of the meeting will be available for public viewing on YouTube via <https://www.eastcambs.gov.uk/meetings/planning-committee-07042021>
 4. Reports are attached for each agenda item unless marked “oral”.
 5. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
 6. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:
 7. “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).”
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EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a remote meeting of the Planning Committee held at 2:40pm on Wednesday 3rd March 2021, facilitated by the Zoom video conferencing system.

PRESENT

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

OFFICERS

Angela Briggs – Planning Team Leader
Maggie Camp – Legal Services Manager
Barbara Greengrass – Planning Team Leader
Anne James – Planning Consultant
Andrew Phillips – Planning Team Leader
Rebecca Saunt – Planning Manager
Adrian Scaites-Stokes – Democratic Services Officer
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

IN ATTENDANCE

Cllr Charlotte Cane (agenda item 7)
Cllr Lorna Dupre (agenda items 6 and 8)
Cllr Mark Inskip (agenda item 8)
Cllr Allan Sharp (agenda item 9)
Mike Rose (agenda item 5)
Paul Hill (agenda item 5)
Rob Hill (agenda item 5)
Simon Parfitt (agenda item 5)
Parish Cllr Charles Warner (agenda item 5)
Dr McGrath (agenda item 7)
Phil Grant (agenda item 7)
Parish Cllr Jon Ogborn (agenda item 7)
Charles Linsey (agenda item 8)
Diana Bray (agenda item 8)
Edward Clarke (agenda item 8)
Kate Duvall (agenda item 8)
Parish Cllr Lorna Williams (agenda item 8)
Chris Anderson (agenda item 9)
Parish Cllr Lily Whymer (agenda item 9)

73. APOLOGIES AND SUBSTITUTIONS

There were no apologies for absence nor any substitutions.

74. DECLARATIONS OF INTEREST

Cllr Jones declared a personal, non-prejudicial, interest in agenda item 5 as he lived near to the site in question.

75. MINUTES

It was resolved:

That the Minutes of the Planning Committee meeting held on 3rd February 2021 be confirmed as a correct record and be signed by the Chairman.

76. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- Members were reminded about the use of calling in planning applications, large applications or those that divided community opinion would be always considered by the Planning Committee. An application called in to the Committee incurs costs of approximately £1000, so the call-in option should be used sparingly after discussion with planning officers, particularly when dealing with small household matters.
- Today's meeting had been moved to a 2:30pm start but this was a one-off situation and future meetings would revert to the normal time.

77. 19/00717/OUN – BROAD PIECE, SOHAM

Barbara Greengrass, Planning Team Leader, presented report V137, circulated previously, concerning the proposal to erect up to 175 dwellings and associated infrastructure with access from Broad Piece.

The Planning Team Leader reminded the Committee that an update sheet with further neighbour comments received, after the report had been written, had been circulated. This application was an outline application for up to 175 dwellings, with 30% to be affordable housing and 5% to be self-build. All matters were reserved except for the access to the site. House number 12 Broad Piece would be demolished to allow access to the site. The site was open land with residential properties to its south and east boundaries, with drainage and a public right-of-way to the north of the site.

The proposal gave an indicative layout of the site, which totalled 10.83 hectares. The dwellings would be constrained to the east of the site due to a substantial 'cordon sanitaire', because of the sewage treatment works to the west of the site. This represented a considerable restraint to development. As a result of this constraint there would be a large open space in the west of the site comprising 6.19 hectares, 58% of the site, with an attenuation pond.

Principle of Development

The Council had more than 5 years land supply for development. The site was outside the defined development envelope of Soham. The proposal conflicted with policy GROWTH2, which had to be given full weight when considering this application.

Visual Amenity

Density was on the high side but there was a significant buffer proposed to the west of the site. The number of dwellings to be built was not fixed at 175 and would be defined at the reserved matters stage. The developers' assessment set out proposed mitigations. The impact statement included mention of hedges and other mitigations so the overall landscape character impact was expected to be small. The most prominent view was from the north, but the houses would be seen against a backdrop of existing residential development and high quality structural planting would ensure that the visual amenity would not be conflicted.

Residential Amenity

This would be fully assessed at the reserved matters stage. However, the indicative plan submitted does show the development could be achieved respecting the residential amenity of the adjoining properties. The expected increase in traffic was not considered to be harmful. The impact of increased noise could be mitigated. The assessment submitted concludes that the residents of the future development will not be exposed to odour levels which will compromise their amenity. So in terms of residential amenity the proposal would accord with policies ENV2 and ENV9.

Access and Highway Matters

The proposed access had been accepted by the Highways Department, but the anticipated increase in traffic would mean as part of the proposal a widening of Broad Piece in a specified section. The increase in width of the carriageway, with the width increase of the pathway, would mostly affect properties on the south side of the road, properties 5 and 5d Broad Piece. The application was accompanied by a Transport Statement and the proposed development was considered acceptable in terms of the existing highway network subject to mitigation measures, as shown in paragraphs 7.5.12 and 7.5.13 of the report. This would then comply with policies ENV2 and COM8.

Flooding and Drainage

Foul – a pumping station is proposed which will feed into the treatment works and Anglian water are satisfied. Flooding did occur on this site, however, the Lead Local Flood Authority are satisfied that the proposed surface water drainage scheme will improve the situation for existing residents. The Lead Local Flood Authority are content that the proposed scheme is acceptable. More details would be required as part of any planning permission, by way of conditions.

Ecology and Archaeology

The proposed mitigations were considered satisfactory to ensure a net gain in biodiversity and subsequently comply with policies ENV7 and ENV14 and the Natural Environment SPD.

Other Matters

The educational contribution had been agreed and would be secured by a s106. Affordable housing and self build are policy compliant and the proposal is in line with the climate Change SPD.

Conclusion

Although the Council had a 5-year land supply, the up to 175 new homes would provide some benefit. However, the application should not be allowed as it

conflicted with the locational strategy as set out in policy GROWTH 2 of the Local Plan, which would outweigh any potential benefit. Therefore, the application was recommended for refusal.

The Chairman then invited Mike Rose to make his objections. During his statement the following points were made:

- Broad Piece was narrow particularly to the west and unsuitable for an increase in traffic.
- The applicants' traffic survey was out-of-date.
- There was a known speeding problem in Broad Piece and the proposed traffic calming would not reduce this problem.
- Street lighting was poor.
- Walkers, cyclists and horse riders' safety would be detrimentally affected.
- Vibration and noise would affect properties on either side.
- The proposed entrance would not contribute to sustainable car transport.
- The proposed road widening would be unsympathetic to residents to the south of it and would impinge on their property and safety.
- Highways preference to relocate the entrance elsewhere has not been followed by the applicant.
- Highways safety would be impacted by the extra traffic generated.
- Although residents and current landowners had co-operated in a temporary solution to flooding issues, the applicant proposals would make the existing drainage less effective.
- Following residents' objections, the applicant added a shallow depression but there was no indication how effective that would be.
- The Lead Local Flood Authority and local drainage board recommended more comprehensive arrangements than that proposed by the applicant.
- The applicant had been aware of drainage issues for several years but there was no confidence the applicant would resolve those problems.
- The development would not bring any advantages to an already overdeveloped Soham.

Cllr Downey noted that the statutory consultees had told the Council one thing but this was differed to what residents were stating. The Lead Local Flood Authority stated the flood water management scheme was sufficient. So why was this disagreed? Mr Rose replied that the Lead Local Flood Authority had posted to the planning portal website, at the start of the year, and had recommended changes stating that the depression had to be piped to pump the water away from the field, but this had not appeared in the applicant's documentation.

Cllr Jones asked whether there would be any benefit in widening the road and pathway. Also, had the drainage scheme put in by local residents helped? Mr Rose reminded the Committee that the road was narrow all the way along so widening it at one point would not be beneficial. Increasing the width by 1 metre would mean some residents losing their parking spaces. The drainage scheme had proved beneficial.

Cllr Trapp questioned whether the flooding occurred mostly on the road, except for the south east part and how effective the existing drains were. Mr Rose explained that the water flowed into gardens and then across the road. The drains did work but became overwhelmed as there was a problem with field drainage and there had been issues for the last 20 years.

The Chairman then invited Paul Hill, Rob Hill and Simon Parfitt to speak on behalf of the applicant. Simon Parfitt made the following points:

- The site was sustainably sited and had followed Industry Standard Best Practice.
- Appropriate traffic data collection and assessment had culminated in agreement with the County on all matters.
- The widening of Broad Piece would meet relevant design standards and would not adversely affect driveways.
- The wider footway and carriageway would be better for pedestrians and drivers and the carriageway would be suitable to carry much higher traffic levels.
- Each junction between the site and the A142 were forecast to operate comfortably in the future.
- The mitigation package would provide £123,600 funding for use to improving the A142/Fordham Road roundabout and would include off-site pedestrian improvements for access to the school and the Mereside/Julius Martin Lane junction.
- A form of traffic calming had been agreed with the County and the applicant would be happy to add this to its obligations.

Rob Hill made the following points:

- The drainage scheme had been approved in principle by the Lead Local Flood Authority (LLFA), Anglian Water and the Local Internal Drainage Board (IDB), subject to conditions.
- There was an existing flooding issue and this was brought up from the LLFA and IDB.
- The applicant intended to drain over 55% of the water catchment from the south to the north, with the remaining 45% stored before it reached the southern boundary, this would help to protect existing properties.

Paul Hill made the following points:

- There was a lack of technical objection to the proposals from any statutory consultee.
- The recommended refusal of the application related to only one policy and this must be balanced against all relevant material considerations.
- There was an acknowledged lack of significant harm to the setting of Soham and the wider countryside.
- Soham was a highly sustainable settlement where development could be focussed.
- The area of the site had been clearly identified as a broad area of housing.
- There were clear benefits with the provision of 30% affordable housing and 58% of the site as public open space.
- These facts clearly outweighed any policy conflict so the proposal should be approved.

Cllr Schumann stated that, when considering a sensitive and careful layout, houses should not end up in the 'cordon sanitaire', not impact existing business but proposes to include a play area within the 'cordon sanitaire', would it mean that 175 dwellings had to be squeezed into the remaining space? Although this number was only in principle the applicant would likely try to achieve all 175. Why was the access to the site decided on Broad Piece, as both ends of that

road were constrained? The County Council were still looking at traffic calming measures here. In response the Committee was informed that as this was only an outline application no scaling on a definitive layout had been done, but sought to gain the principle of development. The masterplan acknowledged the constrictions but did represent a sympathetic design. Under local and national guidance a suitable access had to be found. This had been found and would be fully up to standard. This would be safe and suitable. The traffic calming measures would address vehicle speeds but not capacity, although the road would be designed to take that capacity.

Cllr Jones considered Broad Piece and Mereside notoriously bad for traffic and with the rail station coming would become worse. So he wondered if other traffic options had been explored, including land acquired by This Land near the roundabout. Mr Parfitt stated that no other options had been considered relating to the access. The developers had considered land options in other directions but this was the proposed access

Cllr Downey noted that there had been a lot of objections centre around fear of flooding, so would the proposed measures be enough? Mr Rob Hill reminded the Committee that the proposal was still only an outline, but the scheme proposed would be able to cope with flooding. This would all be within control of the applicant.

Cllr Schumann advised the Committee that reference was made to This Land, although he was a Director of This Land he stated that he was not affected by this application, but wanted it noted.

The Chairman then invited Parish Councillor Charles Warner to speak on behalf of the Town Council. Cllr Warner made the following points:

- Soham Town Council had been concerned from the outset in particular in relation to the Local Plan, road access and land drainage and flooding.
- The road access and footpath were too narrow and were proposed to be widened.
- Widening the road would affect the vehicle parking for number 5 and 5A Broad Piece, where the cars would only be 0.5 metres from the road.
- No-one had considered the British Telecom cable chambers or cables when widening the road.
- The Council could not see how widening the road would improve the situation as it would cause a bottleneck.
- When large agricultural vehicles met heavy good vehicles they had to drive on the pavements or verges.
- Drainage was a great area of concern and attempts had been made by local residents to manage the situation. The developers needed to address this with a detailed scheme.
- LLFA had concerns, so had requested a condition that no above ground works should commence without written consent.
- Issues with exiting properties on Broad Piece needed to be resolved, otherwise the issues would not be assisted by this new development.
- Further work was needed with a full proposal required.
- If this was not done properly then the scheme would not work.
- The proposed children's playground should not be near the sewage treatment works.

- This proposal is not appropriate and should be refused as the Council has a 5 year land supply.

There were no questions for Cllr Warner.

Cllr Stubbs asked why the application had come to the Committee, as it would otherwise have been processed? The Planning Team Leader explained that it was in line with the Council's Constitution.

Cllr Trapp noted that Broad Piece would not be widened at the Kingfisher Drive junction. The Planning Team Leader stated that Highways had assessed and had been satisfied with that proposal.

Cllr Hunt asked whether the extreme north of the site include a pedestrian link to the school and garage. This was confirmed by the Planning Team Leader, who stated that the footpath would be upgraded. Cllr Hunt also wanted to confirm that the density of the proposal would be 15.35 homes per acre, if you take out the cordon sanitaire and the Team Leader confirmed this was correct.

Cllr Brown thought the matter was clear. If the Council had been able to demonstrate a 5-year land supply in 2019 this application would not have been submitted. The application went against policy GROWTH2, so he was totally behind the officer's recommendation for refusal. He therefore proposed that the application be refused in line with the officer's recommendation.

Cllr Downey contended that, as the applicant had noticed, the argument that it was against policy GROWTH2 was not a good reason for refusal as it meets all other policies and provides affordable housing and a biodiversity net gain. This was an outline application and some objections had been raised to it. The site was sustainable, had train and bus links, and would provide some job growth. There was concern about pressure on the roads, but don't see anything in the application that would make this worse than any other proposal. The only conundrum was the objections to flooding, but the LLFA had accepted the proposal. Struggle with refusing this when there are houses on 3 sides of the development and it provides homes for people.

Cllr Schumann agreed with Cllr Brown that the planning officer had got the right recommendation. In addition, there were other reasons for refusal: the impact of flooding and drainage, the significant highways impact and the built form of 175 dwellings would have too much of an adverse impact. The density of the housing in an out-of-town area, in a rural location was not acceptable. The play area in the 'cordon sanitaire' had not been addressed.

Although Cllr Stubbs agreed with both Cllr Brown and Cllr Schumann, she thought for clarity the one reason, it was against the policy, was sufficient, as she was not in complete agreement with the other reasons suggested. If the other reasons were added then if the application went to appeal there was more risk it could be overturned as consultees had not objected. She therefore seconded Cllr Brown's motion.

The Planning Manager reminded the Committee that neither the LLFA nor Highways had raised objections. If the extra reasons were added it could make it difficult to defend against a challenge at appeal. As for the built form, this had

been considered by the officer and was considered acceptable, although it was a subjective matter.

Cllr Jones supported the refusal and thought the applicant should give further consideration to best practice and standards to provide the best housing possible.

Cllr Trapp noted Mr Rose's presentation, that the houses would be 1.7km from the main road, all traffic would have to go through Kingfisher Drive so he was not sure this was a good site for development.

Cllr Schumann then proposed an amendment to Cllr Brown's motion, which was seconded by Cllr Jones. The amendment was to agree to the officer's recommendation with the addition of the following reasons for refusal:

- The adverse impact on flooding and drainage issues;
- The significant adverse impact on highway safety;
- The adverse impact of 175 dwellings on residential amenity.

When out to the vote the amendment was declared carried and became the substantive motion.

No other amendments were made, therefore the Committee voted on the substantive motion and it was declared carried.

It was resolved:

That planning application reference 19/00717/OUM be REFUSED for the reason set out in the officer's report with the following additional reasons:

- The adverse impact on flooding and drainage issues;
- The significant adverse impact on highway safety;
- The adverse impact of 175 dwellings in relation to the built form in this location.

78. 19/01342/VAR – COLLEGE FARM, MAIN STREET, WENTWORTH

Andrew Phillips, Planning Team Leader, presented a report (V138, previously circulated) recommending the approval of the application to vary Condition 8 of previously approved application 18/00840/OUT.

The Planning Team Leader advised the Committee that the application was to remove the condition for the requirement for six self-build dwellings at Main Street, Wentworth. The outline application had already been granted for up to six self-build plots and the access had been approved. The main issues related to the loss of the self-build requirement and a new requirement of affordable housing. All other considerations had been dealt with previously.

The original application had been approved in September in 2018, which would expire in September 2021, and the developer had submitted this application due to a lack of interest in the self-build properties which permission had been granted for. The reason this application had taken such a long time to be determined was due to officers ongoing discussions with the applicant in relation to the marketing and to try and ascertain why the units had not been sold.

The developer had demonstrated that there had been no purchasers for any of the self build plots on the site. Although the loss of the self-build housing, which is given minor weight against the proposal, would be a negative outcome, the provision of an affordable housing contribution, in lieu of an on site provision, would be a positive. This positive contribution would outweigh the negative from the loss of the self-build provision.

It was therefore recommended to grant delegated approval be given, in accordance with the report recommendations.

The Chairman then invited District Councillor Lorna Dupre, Ward Councillor, to speak the following points were made:

- This application had been called in as the important issue of the principle of development was at stake.
- The original application had been opposed by District Councillors, Wentworth Parish Council and residents, as the site was outside the development envelope.
- It was called in to this Committee for determination but at that time the Council could not demonstrate it had a five-year land supply.
- The report to the Committee stated that the provision of self-build units was of merit and the Council had a list of people who wanted to build their own homes, so the proposal would have met that need.
- The subsequent officer's report promoted self-build units outside the development envelope and the Committee had supported the scheme.
- Turning these dwellings into market housing, for a sum for affordable housing provision, would encourage other applicants to apply for self-build and then upgrade their scheme later to a more profitable scheme.
- There was benefit in gaining more affordable housing but this had to be weighed against the risk of many more 'trojan horse' self-build applications.
- Residents do not believe the developer had sufficiently marketed the site as self-build.
- The Committee was urged to refuse this proposed variation.

Cllr Trapp asked Cllr Dupre whether there was any evidence that the self-build units had been marketed insufficiently. Cllr Dupre replied that residents had not seen much evidence of marketing.

Cllr Jones queried how long was a reasonable amount of time before applying to change from self-build, as it had only been two years, so was this too soon? Cllr Dupre acknowledged she did not have an expert view, but although current times were unusual, if the proposal for self-build was attractive then more interest could have been expected. She was concerned this change would signal that developers could obtain permission for self-build properties but then turn around later to get market housing, which was a dangerous precedent.

Cllr Wilson asked the Planning Team Leader if the Council accepted the sum of £210K for affordable housing where would they be built? Wentworth was a small settlement so had no suitable site for them. The Committee was informed that it

was unlikely they would be provided in Wentworth, so they would be provided elsewhere in the district.

Cllr Stubbs questioned when that contribution would be paid and who would agree the Section 106 agreement (S106). The Planning Team Leader stated that the agreement was still being drafted and although the payment would probably be paid before the fourth dwelling was occupied, work on an earlier payment trigger was being worked on. The Legal Manager was looking at this and the relevant trigger points. The S106 would be completed prior to the determination of this application.

Cllr Ambrose Smith reminded the Committee that things were different in 2018 and at that time a self-build proposal had considerable merit. The marketing strategy was queried as was the unit pricing, which was considered on the high side. Could the applicant submit a new application for affordable housing and market housing or would this be refused? The Planning Team Leader confirmed that the outline consent included the condition for six self-build units but the applicant now sought to remove that condition and contribute to affordable housing off-site. If this was refused then the outline permission would lapse in September 2021. If a new scheme came forward it was highly unlikely that refusal would be recommended, due to the site's location outside the development envelope.

Cllr Jones asked how long was the set period of time for schemes to be marketed. The Committee was informed that it was usually around two years.

Cllr Trapp noted that the cost of the self-build plots would be around 50% that of market housing and asked whether that was reasonable. Was Main Street in Wentworth a single road? The Planning Team Leader thought with the value of the sale of the land the costs could be considered reasonable, though the affordable housing contribution was more complicated to value and officers had consulted our Housing Officer who advised the contribution was acceptable. It was confirmed that Main Street was a very narrow lane but laybys would be provided via the outline permission.

Cllr Brown wanted to know whether the applicants had written to the people on the Council's self-build register and those in neighbouring authorities. This information was not known.

Cllr Wilson asked if the applicants had offered shared-ownership and rental affordable houses on that land, so that any contribution went to Wentworth. It was confirmed they had not as unlike a Registered Social Landlord would adopt 2 affordable units in isolation and the contribution had been based on conversations with the Housing Officer.

Cllr Hunt asked whether a Community Infrastructure Levy (CIL) contribution would be secured. It was confirmed that the development would be CIL liable.

Cllr Wilson proposed that the Committee reject the officer's recommendation and refuse the application, as the proposed development would not be in keeping with the village. The proposed six market houses would be different to the houses already in the village. The Planning Manager reminded the Committee

that if the Committee wished to reject the officer's recommendation it had to provide planning reasons for doing so.

Cllr Hunt then proposed that the Committee accept the officer's recommendation. *This was not seconded.*

Cllr Trapp was in favour of self-build but questioned how this site had been marketed and there appeared to be problems with the self-build register and costs. However, he then seconded Cllr Wilson's proposal.

Cllr Jones had concerns over the proposal and preferred allowing for a longer time frame for the self builds to come forward.

Cllr Stubbs thought self-build was needed and would be upset if the Committee voted to overturn the condition for them. Stated she was in a village delivering self build units and had these plots been marketed properly? If the Committee did decide that the proposal was acceptable, the S106 needed to be water-tight and the contribution paid when just 1 home was occupied. However, the Committee should not send the wrong message by accepting the variation.

Cllr Downey thanked Cllr Dupre for her comments, which he mostly agreed with and considered the plots had not sufficiently been marketed. He would also vote to reject the recommendation, as there was no persuasive case to go for market housing.

Cllr Trapp then stated that for clarity the site had not been sufficiently marketed and would be contrary to the Self-build Supplementary Planning Document.

Cllr Brown then proposed an amendment that the officer's recommendation be rejected, as the variation would be contrary to paragraph 2.2.6 of the Council's Custom and Self Build Supplementary Planning Document. This was duly seconded by Cllr Wilson and when put to the vote declared carried.

It was resolved

That officer's recommendation to approve a variation to planning application reference 19/01342/VAR be rejected and the application be REFUSED as it was contrary to paragraph 2.2.6 of the Council's Custom and Self Build Supplementary Planning Document.

79. 20/00296/OUM – LAND REAR OF 163 TO 187 HIGH STREET, BOTTISHAM

Anne James, Planning Consultant, presented a report (V139, previously circulated) recommending refusal of the development of a retirement care village comprising housing with care, communal health, wellbeing and leisure facilities.

The Planning Consultant advised the Committee that this was an outline application and all matters would be dealt with at the reserved matters stage, except for access. The site in question was outside the development envelope and in the Green Belt, with parts of the south of the site within the Conservation Area. The application was for a Class C2 retirement care village, comprising 170 units and approximately 51 dwellings as affordable housing, open spaces and a communal building. Some of the proposed community facilities would be open

to the public. Vehicular and pedestrian access would be via the High Street with pedestrian access via Rowan Close.

The application had been amended to address some technical issues and the Council's objections. The revised application now included 30% affordable housing and amended highway information. The care village, which was aimed at self-funders, would cater for individuals with various care needs. The units would be available for leasehold at market value or for rent.

No housing design has been forwarded but the indicative layout showed an area proposed for the affordable housing, adjacent to Rowan Close. The C2 element would wrap around the large public open space.

Principle of Development

The Adult Health Commission was of the opinion that Bottisham was well serviced with residential care provision. The applicants stated that there were no other preferable sites for this development within the rest of the District, however no evidence was provided to support that view. The development would be in the Green Belt and Members were informed of an Appeal decision for a site in St Albans for a similar scheme that had been rejected due to the impact on the Green Belt. It was considered that no special circumstances had been put forward to outweigh the harm to the Green Belt and the visual amenity.

Local Policy

Policy GROWTH2 did provide exceptions for this type of development but any development would need to protect the countryside and town setting. Policy HOU6 states that this type of development should ideally be located within a settlement boundary, but did allow exceptions for this type of development to be located outside development envelopes, where it was in close proximity to a settlement, would have no impact on the character of setting of a settlement or the surrounding countryside and where there was an identified need. .

Planning Needs Assessment

The Assessment has indicated there is a significant undersupply of private care accommodation in the market catchment area and in east Cambridgeshire. Locating this accommodation at Bottisham would be more beneficial to the south of the district rather than in the north of the district or in Ely, Soham or Littleport, which the Council have identified as areas of growth. The County Council had identified a number of residential care services needed but it was difficult to assess the demand due to the current pandemic.

Residential Amenity

As it was only an outline application the impact on residential amenity would be considered at the detailed design stage, where a revised acoustic report would need to be submitted. Therefore, it was considered that an acceptable level of residential amenity could be attained.

The Green Belt

Only a small proportion of land in East Cambridgeshire was in the Green Belt. The National Planning Policy Framework stated that inappropriate development harmful to the Green Belt should not be approved except in very special circumstances. The proposed development does not fall within any of the criteria set out in para 145 and 146 of the NPPF. The Green Belt had five purposes

including safeguarding the countryside from encroachment. This development would have a degree of encroachment due to its scale and massing, would be a significant development within the Green Belt and would see an increase in activity, resulting in an adverse impact on the openness of the Green Belt and would irrevocably cause harm.

Historic Environment

The Council County archaeologist had raised no objections relating to the proposal, subject to further investigation. The site is located within close proximity to a number of designated heritage assets, with parts of the site extending into the Bottisham Conservation Area. The degree of harm is considered to be less than substantial harm and this should be weighed against the public benefits, as set out in the report. .

Highway Safety and Access

The application had been re-assessed by County Highways following the submission of revised information and its objections had been removed.

Ecology and Other Matters

The proposal would secure a biodiversity net gain, which had been reduced from the original calculations. However, it is likely that that further net gains would come from detailed layout, planting specifications and management of the areas which would be delivered at the detailed design stage. There were no expected flooding or drainage issues, subject to relevant conditions.

In conclusion, although there was an acknowledged need for this type of development, Bottisham had already got similar facilities which had vacancies. There was no evidence of any other non Green Belt sites being considered by the applicants. The development would cause significant harm to the Green Belt and it was not considered that very special circumstances had been demonstrated which outweighed any harm to the Green Belt. Therefore, the application was not acceptable and was recommended for refusal.

The Chairman then invited Dr McGrath to speak the following points in objection to the application were made:

- The current medical practice in Bottisham was small and currently handle 5800 patients, a huge proportion of whom were elderly.
- This meant there was already a huge workload coping with these patients, which included patients from the Milton Park care home which was one of the largest in East Anglia.
- A disproportionate number of their patients were in residential care and had an impact on the service.
- The surgery did not have the capacity to expand further and dealing with an influx of more very frail and vulnerable patients would be a disadvantage to other patients.
- A development of the scale proposed would be a threat to the service and could be a dangerous place with vulnerability to the COVID virus.

Cllr Jones asked whether the practice had funding weighting due to its older patients. Dr McGrath explained the weighting depended on the age of patients and how chronic their conditions were. Any re-imburement would not cover costs.

Cllr Ambrose Smith queried the possibility of expanding the practice and Dr McGrath stated that any expansion would need the demographic of its patients being shifted away from the 30% of its patients now over 65. The service would have recruitment difficulties and was already an outlier in terms of the dependence of its residential and care homes. It already provided emergency and planned care for those homes but any future funding would not be able to support the proposed new development.

Cllr Trapp wanted to know whether the service was overstretched. Dr McGrath confirmed that it was due to the aging population. People were having to wait longer to access the service and the thought of a new burden was petrifying.

The Chairman then invited the Democratic Services Officer to read a statement submitted by Jody Deacon in objection and the following points were made:

- The construction of any buildings backing onto the new garden or restricting of views was opposed.
- There were concerns on the impact of local significant wildlife.
- There would be a huge disruption to the natural habitats and would take away some of the charm and attractiveness of Bottisham.
- The land is conservation land and any building on it would be unfair to local residents who have defended it from development.
- The development is not suitable and the proposal to remove green spaces in favour of housing was clearly not the way to go.
- The cluster of social housing is an irresponsible move by the developer, as it should be integrated throughout the development.
- The developer has chosen a development for easy profit and not what would benefit Bottisham.
- The village already had two care homes and the land use has not been suggested to support younger families or the younger generations.
- The Government encouraged people to engage in their wellbeing, pointing to open landscapes and nature to help, and this development goes against that ethos.
- A secluded and private retirement village would only add significant traffic to an already overburdened village and pressure on local NHS and other services.

The Chairman then invited Phil Grant, to speak on behalf of the applicant and the following points were made:

- An outline application had been submitted for private retirement housing with care, communal facilities, public open space and affordable housing.
- A clear distinction should be made between this proposal and other existing care facilities in Bottisham.
- This proposal provides for homes to rent or buy with onsite care available, to allow individuals or couples to live independently.
- The care would be provided via a private onsite care agency registered with the Care Quality Commission.
- Although the site sits within the Green Belt the benefits the proposal could bring had to be carefully balanced against its inappropriateness and perceived harm.

- The report author had not taken a balanced view nor sought an independent officer for advice on the impacts regarding the Green Belt.
- Members did not have to follow the officer's recommendation and could give weight to the material considerations.
- Members should weigh up the following benefits of the proposal: the critical need for specialist older people's housing; the provision of over ten acres of funded and maintained natural parkland and play area in a village of limited public space; ecological enhancements and biodiversity net gain; provision of affordable housing; release of general housing stock and the economic benefits of job generation.
- Objectively it was clear the benefits of the development outweighed the negative impacts.
- A number of appeal decisions had afforded significant weight to the need for private older people's accommodation had outweighed the harm to the Green Belt.
- Very Special Circumstances had been demonstrated so the application could be approved.

Cllr Jones questioned the level of medical needs and primary care that could be provided for the new residents. It could be expected that they would have their own private health insurance, so would they not need to use the NHS? Mr Grant stated it was a requirement for residents on the site to sign up to the care provision by the on-site care agency. Domestic care would be dealt with on-site. Everyone would still have to register with the General Practitioners (GPs). The applicants had attempted to consult the local GPs but without success. There would be multi-functional rooms provided on site to allow GP's to come to the facility if necessary.

Cllr Downey asked whether the development would reduce the strain on the NHS and should that be given significant weight? Mr Grant stated that research supported that fact and stated that private care was a critical issue and there was a national need for it.

Cllr Ambrose Smith was broadly in favour of the development but was concerned about Dr McGrath's statement about the tremendous burden it would place on the local practice, but would the applicants provide or be prepared to employ a GP on-site? Mr Grant stated that health provision would be down to the health care operator to deal with. A similar development had provided health care in consultation with local GPs and they could see a number of residents in one place and not have to do multiple house visits. This issue could be dealt with under Reserved Matters. This type of facility also keeps people active for longer.

The Chairman then invited Parish Council Chairman Jon Ogborn, to speak on behalf of the Parish Council and the following points were made:

- The Parish Council strongly opposed this application for a number of reasons.
- The site was on Green Belt land, which had a high landscape value, and was alongside a Conservation Area. The Inspector had supported the need to protect the Green Belt, during a recent planning appeal, which also provided an easily recognisable boundary in the neighbourhood.

- The site was also outside the development envelope and limited development should only be allowed.
- The District Council had demonstrated a 7 year land supply, so development envelopes should be respected.
- Therefore, the Parish Council sought to protect this area and asked the District Council to also be committed to doing that.
- The Parish Council had supported a scheme providing affordable homes in the village, but this was on a limited landscape value area and was well away from the Conservation Area. So no further affordable housing was needed in the village.
- There was no significant need for another retirement village of this scale that could justify this development.
- With three residential care facilities already in the village, the development would increase the burden on the medical practice leading to reduced care for other residents.
- The application should be rejected as there was no significant need for it and it was on Green Belt land outside the development envelope.

There were no questions for Cllr Ogborn.

The Chairman then invited District Councillor Charlotte Cane, as a Ward Councillor, to speak and the following points were made:

- The officer's recommendation to refuse the application be supported.
- The site was outside the development envelope and since the Council had a 7-year land supply it should enforce this envelope.
- The site was also in the open countryside with the Green Belt, but the applicant had not made an exceptional case for development on that site.
- Bottisham already had two care homes and there was already a range of retirement provision across East Cambridgeshire with permissions for more, so why build outside the development envelope and in the Green Belt.
- If this development was built it would put a strain on the local infrastructure.
- The existing residential homes already had issues over staff recruitment and a further home would lead to more recruitment problems.
- There was only limited transport links to the village, so this would lead to increase traffic issues.
- The GP surgery had expressed its concerns about the impact on its services, which included a wide area around Bottisham. Its high standard of care would be at risk by the additional demand.
- Bottisham suffered local flooding and foul water problems. Until those problems were resolved it would be foolhardy to allow further significant development.
- The Council's planning policy sought 40% affordable housing but this application only offered 30% as set out in the viability appraisal, but this was based on sites where land had full market development value which this site would not have.
- If the Committee were minded to accept the application it should add a condition for the provision of 40% affordable housing to be integrated into the development rather than a single area.

- The infrastructure of Bottisham could not support a development of that size.
- It would harm, and conflict with the purposes of, the Green Belt, be outside the development envelope and lead to the loss of openness therefore the application should be refused to protect the landscape and the village.

There were no questions for Cllr Cane.

In response to Cllr Downey's query, the Planning Consultant noted that the report acknowledged and did not dispute the need for this type of development. The applicant had not submitted evidence of other sites that had been discounted and any application on non-green Belt land would have been considered on its own merit. The Council are not saying that there is no need, but do not consider that special circumstances have been put forward to justify the proposed development in the Green Belt.

Cllr Stubbs definitely supported the officer's recommendations it had been made clear that this was an inappropriate development with the Green Belt and was in open countryside. Therefore, she proposed that the officer's recommendation for refusal be agreed.

Cllr Downey noted the under-provision of this development type and that if it were on non-Green Belt land it would be considered. This proposal provided a social benefit, which makes up for harm to the Green Belt. The designation as an open countryside site was not a common sense test, as there was development all around it and the proposal included for open park space. The applicant had made a good case that the proposal would reduce the pressure on the NHS as a whole. It may impact on the local GP, but they could get funding. Therefore, he was in favour of the application because of its social benefit which allowed people to move out of current houses and move in here, freeing up houses for young people.

Cllr Schumann commended the Planning Consultant on her report and presentation. Although not disagreeing with Cllr Downey's view, as care homes could be considered for exception sites, this proposal has not met the higher standard required due to its location within the Green Belt. Therefore, he seconded Cllr Stubbs proposal.

Cllr Ambrose Smith does not disagree with the points raised by Cllr Downey but thought the issue hinged on the shortfall of the GPs availability on this site. Older people needed more care. The current GPs would not be able to cope with more patients and the applicant could not provide this care on-site.

Cllr Trapp agreed that there was a need for more care homes but considered this the wrong location. Bottisham needed more GP space.

Cllr Jones, in agreeing with both sides of the argument, was concerned about the pinch-point with health services, which could possibly lead to a break down in care.

Cllr Wilson noted that there was a tiny amount of Green Belt land in East Cambridgeshire, so the Council did not want to lose it. The application included affordable housing in a great lump, which was not practical as it should be mixed in. The proposal was also in the wrong place.

When put to the vote the proposal to refuse the application was carried.

It was resolved:

That planning application reference 20/00296/OUM be REFUSED for the reasons set out in the officer's report.

Cllr Schumann left the meeting at this point, 6:14pm.

80. 20/00630/FUM – SITE SOUTH AND WEST OF THE BUNGALOW, BRICK LANE, MEPAL

Angela Briggs, Planning Team Leader, presented a report (V140, previously circulated) recommending refusal of the erection of 55 dwellings with associated infrastructure.

The Planning Team Leader advised the Committee that the application was for 55 new dwellings on a site next to the A142. New access to the site would be via Brick Lane. The main open space was to the east of the site. The site was not flat, with the highest point next to the A142 reducing by four metres across the site.

Principle of Development

The site was outside the development envelope and within the Sutton Neighbourhood Plan area, making the Sutton Neighbourhood Plan relevant as it applied to new developments. The Committee were reminded that the Council had more than the required 5-year land supply. The application proposed 100% affordable housing, so the site would be designated as a rural exception site but needed to be assessed against the Neighbourhood Plan, as it was the most up-to-date policy. The application failed to meet Policy NP3 of the Sutton Neighbourhood Plan..

Design and Layout

The design was not considered to relate sympathetically to the area and had not been developed in a comprehensive way to create a strong and attractive sense of place and local distinctiveness. The proposal also by virtue of its design, layout and form, fails to relate sympathetically to the surrounding area and each other and does not create a quality scheme in its own right. The proposal would not comply with policies ENV1 or ENV2 of the Local Plan, the Design Guide SPD, chapter 12 of the NPPF and the National Design Guide PPG.

Biodiversity

The ecological survey and bat activity report had shown that the site was of low ecological value, although the vegetation that surrounds the site would provide some habitat value for wildlife and act as a wildlife corridor around the edges.. The applicant could not achieve a net biodiversity gain on site and the applicant had submitted a biodiversity offsetting report, since the publication of the

committee agenda, providing off site provision for biodiversity to secure a net gain. The Wildlife Trust were consulted and raised some concerns as set out in the Planning Committee Update circulated to Members before the meeting. Following their initial comments on the report, further discussions have taken place between the applicant and the Wildlife Trust and the Wildlife Trust have now withdrawn their objections and are satisfied that the proposal will achieve a biodiversity net gain with the off-site proposals and if the application was approved these should be secured via a s106 Agreement. Therefore, it was recommended to Councillors that reason for refusal No. 3 no longer was required, or being recommended as a reason for refusal by the Officer.

Residential Amenity

Noise from the A142 would be mitigated by an acoustic fence and Environmental Health had reviewed the proposal and while there would be some minor exceedances in noise levels these would only affect a small number of plots and not considered sufficient to warrant the refusal of the application on this basis. Due to the siting of the proposed dwellings, there would be no significant adverse impact on the residential amenity of existing dwellings. A high number of the proposed plot sizes are less than recommended by the Council's Design Guide SPD and cumulatively this will result in some plots not offering adequate or healthy amenity space for future occupiers, have an adverse impact on residential amenity.

Other Matters

All other matters were acceptable, as set out within the report to Planning Committee.

In conclusion, the application was not acceptable as it did not comply with policies within the Sutton Neighbourhood Plan, its design and layout and overall development would not result in a quality development and therefore did not comply with the Local Plan, Neighbourhood Plan, NPPF, Council's Design Guide and the National Design Guide. The application was therefore recommended for refusal as per the report with the exception of the biodiversity reason, as this had been addressed.

The Chairman then invited Charles Linsey, to speak in objection to the application and the following points were made:

- The main concern related to the ditch for rain water and the trees. If they were removed, and no storm drains available, then the rain water would run onto driveways and back gardens.
- There would not be enough parking on the new development, so new residents would have to park on the road.

There were no questions for Mr Linsey.

The Chairman then invited Diana Bray, to speak in objection to the application and the following points were made:

- Object on behalf of Mepal residents.
- The development of 55 social and shared ownership houses was completely inappropriate for a small rural village.
- It would not reflect the mix and nature of the existing housing and the 12% increase would change the character of the village.
- The site had not been adopted for development.

- Not against development of the site, but what has been put forward does not accord with policy.
- There was no identified need for 55 affordable homes in Mepal.
- This would be a high density urban development which would be out-of-place in such a rural location and would result in poor amenity for prospective residents.
- There were two conflicting views about the site access.
- Trade vans would have to park on Brick Lane, as they would not be allowed on the site.
- Sewage continued to be a problem and more houses would not help.
- Congestion in the A142 already severely impacted access in and out of the village.

Cllr Jones asked if the access onto the A142 was still the same. Mrs Bray advised it is still the same and takes a while to get out, which then creates a rat run through Witcham. The new AD plant also leads to further congestion and problems existing the village, especially towards Chatteris.

Cllr Trapp asked what the speed limit on the A142 was. Mrs Bray thought it was the national speed limit.

Cllr Hunt asked if he could see the photo showing the junction of the A142 and Sutton Road. Photo was shown.

The Chairman then invited Edward Clarke and Kate Duvall, to speak on behalf of the applicant and the following points were made:

- The main issue is policy NP3 of the Sutton Neighbourhood Plan.
- The Council had allocated the site for residential development in its withdrawn Local Plan.
- The applicant was told that the location would be accepted as an exception site for affordable housing as part of a pre-app.
- Solicitors had confirmed that policy NP3 does not bring the proposal into conflict and it would be in accordance with the Sutton Neighbourhood Plan, so that would not prevent development.
- A rural exception site is an exception.
- The National Planning Policy Framework and neighbourhood plan should not prevent housing developments.
- The proposal had been designed to be bespoke to ensure it adapted to the constraints of the site.
- A number of homes were specifically designed to keep people remaining in the village.
- There were 986 applications on the housing register and over 200 had expressed a view to live in Mepal.
- Over the last seven years the Council was 609 under its target for provision of affordable housing.
- The affordable housing would be a social benefit.
- The applicant was a not-for-profit organisation, who manage over 6,000 affordable homes and invest to enrich communities and are a responsible landlord.
- It provided social or affordable housing and had provided over 500 such homes.
- This application gave the opportunity to deliver another 55 affordable homes to meet some of the Council's shortfall.

Cllr Jones thought the development would ‘shore horn’ a lot of housing onto the site, resulting in small houses which would impact people’s amenity. Was this the best type of housing that could be used as a ‘quality’ option and have you considered proposing less housing? Mr Clarke stated that the site had been allocated for 50 dwellings, which would be 19 dwellings per hectare, but this application proposed 55, equating to 21 dwellings per hectare.

Cllr Trapp asked where the other 900 affordable housing had been provided by the applicants and would electric charging points be included? The Committee was informed that the affordable housing had been provided in East Cambridgeshire, Suffolk and Norfolk. Charging points had not been requested but their provision could be looked at.

Cllr Downey noted that lawyers had advised that NP3 did not prevent rural exception sites coming forward. Mr Clarke noted that the Sutton Neighbourhood Plan was silent on affordable housing and had not mentioned exception sites, so the wording is not stating that no development is acceptable.

The Chairman then invited Parish Councillor Lorna Williams, Vice Chairman of Mepal Parish Council, to speak on behalf of the Parish Council and the following points were made:

- Mepal had a history of encouraging sympathetic and appropriate development to help create sustainable rural communities.
- The Parish Council objected to this application for a number of reasons.
- There was no safe cycleway from Sutton to Ely and the existing public transport was unsuitable, so leading to a heavy reliance on cars. The resultant increase in commuter traffic had not been modelled and the additional journeys would add to the problems accessing the A142 and would be disruptive to Brick Lane residents.
- There were concerns about the density of the proposed development and increase in works vans outside residents’ dwellings. Minor amendments to widen the road would not alleviate those concerns. If the application was approved, the Parish Council would like to see the density be significantly reduced.
- Flooding and drainage/sewerage issues were already existing and the additional 55 houses would be detrimental to surface water drainage.
- The density and design were poor and incompatible with the local character of the village.
- Road noise from the A142 was an ongoing problem and the mitigations proposed would not improve the situation.
- There had been a large number of objections to this application including from the wider village community and there had not been one comment in favour of it.

Cllr Hunt asked whether a lower density proposal would be acceptable to the Parish Council. Cllr Williams stated that it would be dependent on the revised road layout, design and numbers proposed. It would be looked at and discussed with residents. The principle of development on that site was not wholly rejected but a reduced density proposal would have helped. A shared ownership house has also been for sale in the village for some time, which shows there is no need.

Cllr Trapp wanted to know about the difficulties that vehicles had getting onto the A142 and asked whether individual objectors had submitted their concerns in the own letters. Cllr Williams revealed that it could take up to 20 minutes to get out of the A142 junction and this difficulty had resulted in a number of accidents. 15 to 25 residents had contacted the Parish Council, but may have also responded themselves.

The Chairman then invited District Councillor Lorna Dupre, as Ward Councillor, to speak and the following points were made:

- Changes had occurred to the parish boundaries on 12 July 2019.
- This application should be refused on location, design and biodiversity grounds.
- The District Council had demonstrated a land supply of 7 years and could uphold its development envelopes.
- The site was clearly outside the development envelope and any potential development should be strictly controlled.
- Even if the proposal could have been permitted as an exception site, due to its 100% affordable housing provision, the number of dwellings was far in excess of the village's need.
- The site was defined as countryside and the proposal was outside the permitted list of potential uses for such a definition as specified in policy GROWTH2 of the Local Plan.
- The site is within the boundary of the Sutton Neighbourhood Plan, which superseded the District Council's Local Plan and the proposal is outside the list of uses specified in the NP as acceptable.
- The Neighbourhood Plan had to be upheld and respected.
- The density suggested fell below the minimum design standard and would have a negative impact on future occupiers.
- The development would not complement Brick Lane and would not comply with the Council's Design Guide or the National Design Guide.
- There would also be no net biodiversity gain and any benefit clearly would not outweigh the biodiversity loss, so the application should be refused.
- The Council's SPD is very clear and providing an off-site contribution which is miles away is not acceptable.
- The proposal failed to meet the National and Local Policy and Guidance so should be refused.

There were no questions for Cllr Dupre.

The Chairman then invited District Councillor Mark Inskip, as Ward Councillor, to speak and the following points were made:

- The site location was outside the development envelope and was therefore in the countryside, so its use was restricted by GROWTH 2.
- A rural exception site for 100% affordable housing would be far beyond the local affordable housing need for Mepal, as only 15 to 20 would be needed as based on a recent similar survey completed for Sutton.
- 83 people had expressed a preference to live in Mepal but they had also applied for multiple locations, so it was unknown whether Mepal was their first or second choice.

- The site was within the Sutton Neighbourhood Plan boundary, so that need to be considered.
- The land could be used for agriculture or forestry. Policy NP3 makes no reference to rural exception sites.
- That Sutton Neighbourhood Plan was the most up-to-date document and sought to provide additional homes but in locations supported by residents, with access to services. Affordable Housing would be provided as part of the other developments allocated in the plan.
- The biodiversity policy stated that developments should offset any losses on or close by, which this application did not as was proposing improvements 7km away.
- Therefore Members should refuse this application.

There were no questions for Cllr Inskip.

Cllr Trapp questioned the site's proposed density, as it seemed similar to a neighbouring estate Chestnut Way in Mepal. What was the proposed sound screening of the A142? The Planning Team Leader acknowledged that the neighbouring estate was of a similar density. The proposed 3.3 metre high acoustic fencing was considered adequate.

Cllr Jones shared the concerns about the over development of the site and feared that if it was approved then it would aggravate the current road situation. He therefore proposed that the officer's revised recommendation for refusal be approved.

Cllr Wilson had a problem deciding on this proposal, as he was greatly supported rural exception sites, but this development would be too big for the village and would make a significant difference. He was also a great supporter of the Sutton Neighbourhood Plan and thought this had to be supported, even though the NP did not talk about affordable housing. So he had to decide between balancing the requirement for affordable housing against the Neighbourhood Plan.

Cllr Downey thought the decision turned on policy NP3 of the Sutton Neighbourhood Plan. As a general rule an exception site is an exception, so he objected to the officer's recommendation. 'Normally' means could be? The policy does not state no development ever outside development envelopes. He supported the provision of affordable housing and had never seen an application for 100% provision. It would be on a large site which was attached to the village. So far the Committee had not accepted any applications for houses, though it had to actively encourage sustainable developments. This proposal was perfectly good, so he proposed that the officer's recommendation be overturned. The design was subjective and it was a reasonable proposal.

Cllr Trapp also supported affordable housing but the proposal was for a high density development, in a small village, which would result in affecting the road junction. So it was a difficult decision to make.

Cllr Hunt stated that if the Council did not support the Sutton Neighbourhood Plan it would not encourage anyone to complete one, so this should not be ignored.

Cllr Ambrose Smith agreed with both Cllr Wilson's and Downey's comments. There were doubts about the access and acknowledged that an exception site was an exception.

Cllr Stubbs had been a member of the Sutton Neighbourhood Plan and knew how much hard work had gone into producing it and its importance to residents. Affordable housing was important to everybody and it was a shame that the application had not done more to make the proposal more sustainable by being less overdeveloped. It was an opportunity missed.

Cllr Hunt echoed what Cllr Stubbs said and commented that communities put a lot of work into a Neighbourhood Plan.

Cllr Brown supported Cllr Jones' view and seconded his proposal to accept the officer's revised recommendation. *This become the original motion.*

Cllr Trapp considered the site as an exception site and seconded Cllr Downey's proposal to overturn the officer's recommendation. *This became an amendment.*

The amendment was put to the vote and declared lost.

The original motion was then put to the vote and declared carried.

It was resolved:

That planning application reference 20/00630/FUM be REFUSED for the reasons set out in the officer's report excluding the reason relating to biodiversity.

81. 20/01373/FUL – PERRYMANS, 22 LEY ROAD, STETCHWORTH

Angela Briggs, Planning Team Leader presented a report (V141, previously circulated) recommending refusal of an application for change of use from a detached annexe to a Class 3 dwelling.

The Planning Team Leader advised the Committee that the application was for a change of use of an annexe and would include for a new boundary wall, landscaping, access and hardstanding. It was proposed to remove the existing external staircase, replace clear windows with frosted and provide a new vehicular access. The detached building was outside the development envelope.

Principle of Development

As the building was not within the Stetchworth development envelope it did not comply with policy GROWTH2 which restricted market housing in such locations.

Residential Amenity

There would be no alteration to the floor plans, clear glazing would be replaced with frosted where required and a new boundary wall included. The building's footprint would not be enlarged and there would be no significant impact on neighbours. So it would not have an adverse impact on existing properties residential amenity, or on the re as it had plenty of amenity space.

Visual Impact

The removal of the staircase would have a positive impact. While the new wall would be partially visible, it was considered acceptable and complementary to the site. There would be no change to the character of the area and no adverse visual impact.

Highways Safety

Offset parking for an extra two spaces could be accommodated and was considered acceptable.

Trees and Landscaping

The site benefited from existing trees though the walnut tree should be removed and replaced with a suitable species as part of a soft landscaping scheme.

Other Matters

The risk of flooding would be low. The existing building would remain as it is. Any biodiversity change would be slight, however, if approved biodiversity enhancements should be secured by condition.

In conclusion, the proposal was not supported in principle so was recommended for refusal.

The Chairman then invited Chris Anderson, to speak on behalf of the applicant and the following points were made:

- The proposal was for a minor change of use.
- The staircase would be removed and the window re-glazed, a new wall would be constructed and a replacement tree planted.
- No objections to the proposal had been received.
- The site was not within the Conservation Area and there were no heritage assets within the site.
- The single issue related to GROWTH2, the need to protect the countryside, but this application would cause no adverse impact or harm.
- The site was already very domesticated so should not be considered as part of the countryside.
- The development envelope was designed to prevent the sprawl of housing but this had no sense of sprawl.
- The site was suitable for the village and was sustainable.
- Its location and character related well to the village, would not cause any harm so the application should be supported.

There were no questions for Mr Anderson.

The Chairman then invited Parish Councillor Lily Whymer, Chairman of Stetchworth Parish Council, to speak on behalf of the Parish Council and the following points were made:

- The building was already in place and had been used as a dwelling as an annexe for about twenty years.
- There was no proposal for a substantial change to the dwelling.
- The dwelling could not be considered as outside the village, as it was opposite number 31 Ley Road.
- The annexe had been inhabited for over twenty years, after permission was granted and had been used by applicants' parents

and then their daughter and they now want to downsize, but remain in the village, so want to sell the annexe.

- The parish Council supported the application for the annexe to become a stand alone dwelling.

There were no questions for Councillor Whymer.

The Chairman then invited District Councillor Alan Sharp, Ward Councillor, to speak and the following points were made:

- He had called in this application as it presented a unique opportunity and should be decided by Members.
- The existing building had been used as an annexe and while it was outside the development envelope it was within the community of Stetchworth.
- There was already an established entrance, which had not been used for years and was fenced off.
- Maintenance of development envelopes was important but Members should decide whether this was an exception.
- The annexe had received planning permission in 2001.
- This proposal would not introduce an additional building, was already in residential use and would not have an adverse impact so should be approved.

Cllr Ambrose Smith asked if there were any anomalies with this site. Cllr Sharp wanted to protect the development envelope but this was a unique site. The building had an existing external staircase to the rear but apart from its removal there would be no actual change to the building.

Cllr Jones asked the Planning Team Leader if permission was granted would this give full permitted development rights to the annexe, so a further annexe could be added to the annexe? This was an exception site, it was not a new building so he was in favour of allowing the application. The Committee was informed that the Council did not like to remove permitted development rights unless absolutely necessary.

Cllr Brown noted the site was outside the development envelope but it had been occupied for 20 years. Allowing the application would protect the countryside and would not adversely affect it. Therefore he proposed that the officer's recommendation be rejected and the application be approved for those reasons. This was duly seconded by Cllr Wilson.

Cllr Trapp asked if the Swimming Pool would be affected by the development. The Planning Team Leader confirmed that the pool would not be affected by this proposal.

Cllr Wilson then proposed that in addition delegated authority be given to the Planning Manager to agree relevant planning conditions. This was accepted by the proposer and when put to the vote the application was approved.

It was resolved:

That the officer's recommendation to refuse planning application reference 20/013738FUL be rejected and the application be APPROVED for the following reason:

- Allowing the application would not adversely affect the countryside.

It was further resolved:

That planning conditions be delegated to the Planning Manager.

82. PLANNING PERFORMANCE REPORT – JANUARY 2021

Rebecca Saunt, Planning Manager, presented a report (V142, previously circulated) summarising the Planning Department's performance in January 2021.

The Planning Manager stated that planning references would be included in future reports against the planning appeal decisions and the upcoming planning appeals. Members attention was also drawn to the upcoming planning appeal hearings, details of which were included within the report.

It was resolved:

That the Planning Performance Report for January 2021 be noted.

The meeting concluded at 8:12 pm.



East Cambridgeshire District Council

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

TREE PRESERVATION ORDER

No. E/04/20
 Land To The Rear Of
 Garden Close
 Sutton
 Cambridgeshire
 CB6 2RF

- G1 - Group of 7x Horse Chestnut 5x Ash 1x Oak 2x Lime 1x Wild Cherry**
- G2 - Group of 2x Common Alder**
- G3 - Group of 14x Common Alder 11x Ash 14x Oak**
- T1 - Hawthorn**
- T2 - Field Maple**

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

Date: 11/12/2020
 Scale: 1:2,000



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MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/04/20

Location: Land Rear of 30 to 40 Garden Close, Sutton.

Applicant: N/A

Agent: N/A

Reference No: TPO/E/04/20

Case Officer: Kevin Drane, Trees Officer

Parish: Sutton

Ward: Sutton

Ward Councillors: Councillor Lorna Dupre
Councillor Mark Inskip

[V165]

1.0 **THE ISSUE**

1.1 To confirm a Tree Preservation Order (TPO) for two individual trees and three groups containing a total of 57 trees on land Rear of 30 to 40 Garden Close, Sutton. This matter is being referred to Committee due to objections received within the 28 days consultation period, which ended on 15th January 2021, 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, for the following reasons: The 59 trees are prominent specimens within the site, and visually contribute to the amenity of the local landscape in this part of Sutton.

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 requests by local residents who nominated the trees for preservation because the trees stood on the proposed development site, subject of planning applications 17/01445/OUM and 18/01053/OUM and refused applications 20/01169/RMM and 20/00177/RMM at Land Rear of Garden Close Sutton.
- 4.2 The proposed development layouts have so far required the removal of several of the trees, which were not protected at that time of the TPO nomination request.
- 4.3 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 15th December 2020 because:
- Trees on the site were considered at risk of being removed before the planning application 20/01169/RMM was refused on 4th January 2020.
 - Attempts to reach an agreement with the developer for retention of all or some of the trees was unsuccessful most notably group G3.
 - 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 future applications before a final decision is made.
 - Page 3 of the revised Arboricultural Impact Assessment dated 12th November 2020 as part of application 20/01169/RMM stated that EDCD have the means and opportunity to utilise the TPO legislation to ensure the continued long-term protection of the trees. (appendix 3)
 - The trees were assessed to have amenity value, as they make a visual contribution to the local landscape in this part of Sutton.
- 4.4 Two objections to the serving of the TPO were received in writing from the owner's Solicitor and Arboricultural consultant on their behalf during the statutory 28 day consultation period. The letters and documents relating to the objections are in Appendix 1. The details of the objections were:
- Objection to the TPO being confirmed in respect to there being an existing outline planning permission for the site and the enforcement of obligations that already exist and the use of planning conditions in any reserved matters applications.
 - The serving of a TPO at this stage prejudices the consent given under appeal ADP/V0510/W/18/3195976 in relation to 17/01445/OUM allowed by appeal.
 - The successful appeals Arboricultural assessment identified a near identical set of trees to be removed. A number of which are included within this TPO.
 - The serving of the TPO at this stage is in order to prevent or inhibit development when it should only be used to protect trees that are intrinsically worthy of protection.
 - The TPO should only be served on trees not indicated for removal in the approved outline application.

4.5 Support for the TPO was received following the receipt of the objections these were from the Parish Council and 28 members of the public from Sutton and copies of some of the responses received are attached at Appendix 2. Below are some of the comments received:

- Hope that where at all possible, as much as possible will be done to protect our precious environment and wildlife.
- Nice to see all the trees in that field and it would be a great shame if they were removed. Surely the developer can use the hedgerows and trees to enhance the planned site.
- Trees look good and benefit the environment, and my wife and I in more ways than I can list. The main reason the trees should be protected is evident to us every day. Through our windows.
- Can't see the merit in ripping out established groups of trees and new, young, much smaller trees being planted on the site, trees which incidentally may well fail to flourish, Surely the development can be planned to accommodate these areas of established tree groups.
- Completely unacceptable for these trees and hedgerows to be removed in any circumstances. We can see the canopy of the trees from the front windows of our house and to lose them would change the outlook forever. Understand the need for housing developments but feel they should be built alongside nature and to preserve the countryside and the existing ecosystem.
- Sutton Conservation Society wholeheartedly support the Tree Preservation Order.

- Sutton Parish Council is in support of the TPO consent on this land for the following reasons:
 1. It is a woodland wildlife environment.
 2. A matter of local importance and worthy of protection (not just for neighbouring residents)
 3. Drainage problem in the area, and removal of established trees may increase problems.
 4. Sutton NP Policy NP2 – Protecting and Maintaining features of landscape and biodiversity value, must be considered when consideration is given to confirming the order.

4.6 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 59 TPO trees.

5.0 **CONCLUSIONS**

5.1 Whilst determining if the 59 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 that will increase upon development of the site.

- 5.2 The trees were assessed for TPO suitability on their amenity value, this being the only requirement needed in evaluating trees for the making of a new TPO. Trees T1, G2 and G3 were given a category B rating by the developers own Arboricultural consultant. The completed TPO Assessment Sheet document for TPO E/04/20 is attached at Appendix 3.
- 5.3 It was appropriate to serve the TPO to protect the 59 trees from the risk of being removed before the planning application was determined, and ensure an opportunity to debate the future of the 59 trees.
- 5.4 The ongoing concerns in relation to the removal of high-quality trees and limited space provided by the proposed layout of the development, to allow the long-term retention of any retained trees not being addressed during the course of recent reserved matters application, lead to the officer believing that the serving of a TPO was the only option remaining to ensure the trees are considered. It was also suggested by the developers Arboricultural consultant stated in revision A:12/11/20 of their arboricultural impact assessment that ECDC have the means and opportunity to utilise the TPO legislation to ensure the continued long term protection of the trees.
- 5.5 The serving of the TPO has not been served to prevent or inhibit the development of the site. The serving of the TPO also does not prejudice the 2017 permission, which was for 'up to 53' dwellings and did not approve the matters of appearance, landscaping, layout or scale and therefore it was only the principle of development and the access to the site that were approved as part of that permission.
- 5.6 If the decision by Planning Committee is to confirm the TPO, this will not prevent a reserved matters application relating to 17/01445/OUM from being permitted, which if allowed could include the removal of some of the TPO trees to achieve a suitable site layout. It will ensure suitable consideration of the retained trees future requirements to allow their long-term retention and ensure replacement planting is undertaken to mitigate any removed trees.
- 5.7 If the Planning Committee decide not to confirm the TPO, the TPO will lapse and the owners can then remove all the trees without notification or permission from the Council.

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

APPENDIX 2 – Some of the emails supporting the TPO, received following the owners objections.

APPENDIX 3 – Documents:

- Copy of the TPO E/04/20 document and Formal Notice documents, signed by the Planning Manager.
- ECDC TPO Assessment Sheet

- Copy of Arboricultural Impact Assessment dated 12th November 2020
- Copy of the tree survey dated 21st January 2020

Background Documents

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

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

East Cambridgeshire District Local Plan 2015
 East Cambridgeshire District Council Natural Environment – Supplementary Planning
 Document (SPD) 24 September 2020
 Planning Application 17/01445/OUM

Location(s)

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

Contact Officer(s)

Kevin Drane
 Trees Officer
 01353 616332
 kevin.drane@eastcambs.
 gov.uk

Dickins Shiebert Limited

Solicitors

Mr Kevin Drane
East Cambridge District Council
The Grange
Nutholt Lane
Ely
Cambs CB7 4EE

Matthew House
45/47 High Street
Potters Bar
Hertfordshire EN6 5AW
DX 57950 Potters Bar

Telephone: 01707 851100
Fax : 01707 646627

YOUR REF :

OUR REF : TTS/AS/AI.559

DATE : 14 January 2021

BY EMAIL & POST

Dear Sir

**Parish of Sutton in the County of Cambridgeshire
Tree Preservation Order No. TPO/E/04/20**

We act for Abbey Developments Limited and refer to the above Tree Preservation Order enclosed in your letter to them of 15th December 2020.

On behalf of Abbey Developments Limited, we write to object to the confirmation of the Tree Preservation Order and also, to seek further information from the Council. For the avoidance of doubt, this objection is in addition to the objection lodged by our clients Arboriculturist, ADC Environmental, in their letter to you of even date. A copy of this letter is enclosed for ease of reference.

Given that the site affected by the Tree Preservation Order benefits from an existing Outline Planning Permission and is subject to an Agreement entered into by the District Council pursuant to Section 106 of the Town & Country Planning Act 1990, it is surprising that the Council should have decided to make a Tree Preservation Order rather than to address the protection of trees by the enforcement of obligations that already exist and, as appropriate, by the imposition of planning conditions in any Reserved Matters Approval. Therefore, please advise what factors were taken into consideration in forming your decision that it was expedient to make an Order at this time.

Solicitors :-

Tina T. Shiebert BA (Hons) (Director),
Walter J. Lima BA.,LL.B (Hons), Priti Mistry LL.B (Hons), Jennifer Miller LL.B.(Hons)

Registered Office Address : Matthew House, 45-47 High Street, Potters Bar, Hertfordshire, EN6 5AW

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Please also explain how the Council have assessed the amenity value of trees that are subject to the Order?

We await hearing from you.

Yours faithfully



DICKINS SHIEBERT LIMITED



14th January 2021

FAO Mr. Kevin Drane
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4 EE

Dear Kevin Drane,

**East Cambridgeshire District Council TPO Ref. TPO/E/04/2017/2015
LAND REAR OF 30 TO 40 GARDEN CLOSE, SUTTON, CAMBRIDGESHIRE**

I refer to your letter of 15th December 2020 to Abbey Developments Ltd, Abbey House, 2 Southgate Road, Potters Bar, EN6 5DU, regarding the imposition of a Tree Preservation Order.

Under Regulation 4(1) of the Town & Country Planning (Trees) Regulations 1999, I hereby object, on behalf of my client Abbey Homes Developments Ltd., to the imposition of the above Tree Preservation Order.

ACD Environmental were originally instructed by Abbey Homes in January 2020, to carry out an arboricultural survey and assessment of the existing trees and vegetation on the above site.

The Tree Preservation Order has been served on the trees with the following justification 'The Tree Team have been consulted regarding the proposed planning application reference 20/01169/RMM. The trees in question to be protected are considered to be significant public amenity, contributing to the biodiversity and green infrastructure of the local area, especially post development.'

The site is currently the subject of a planning application. The imposition of the TPO at this stage, does not fundamentally restrict the existing design proposals, it does however prejudice the extant application consent given at appeal APP/V0510/W/18/3195976.

Within the supporting documentation submitted for the outline application, 17/01445/OUM refused by committee but allowed on appeal, a number of trees were identified for removal. The current planning application 20/00177/RMM by Abbey Homes demonstrates a near identical arboricultural assessment, in that matching trees are being removed. A number of these trees are identified within the Tree Preservation Order.



ACD Environmental at these offices:

(Head Office) Redbourne Rail Business Centre, Grange Lane, Malmesbury, SN16 0ES Tel: 01666 825546

Courtyard House, Mill Lane, Godalming, GU7 1EY Tel: 01483 425714

Suite 6, Crescent House, Yonge Close, Eastleigh, SO50 9SX Tel: 02382 026 300

Email: trail@acdenv.co.uk Website: www.acdenvironmental.co.uk


ACD Environmental Ltd Registered Office: Construction House, Runwell Road, Wickford, Essex, SS11 7HQ Co Reg No: 6058718 VAT Reg No: 223 5883 86



Abbey Homes have revised the planning layout for the current planning application so that additional tree removals can now be retained following your consultation response. The remaining areas within the Abbey Homes layout has been drafted in mind of the precedent set for tree removals through the appeal approval. Given this clear precedent, it is inappropriate for these trees to now be included within the served TPO. It is clear at this juncture that the TPO is being used to prevent or inhibit development when it should only be utilised where trees are intrinsically worthy of preservation.

Given the continued open approach Abbey Homes have towards the redevelopment of the site, and the accepted principle of development on the site, It is objected that the proposed Tree Preservation Order should be confirmed on those trees approved for removal as part of the appeal approval. We do however, welcome the TPO on the remaining trees on the site and acknowledge the Councils duty to protect trees when a threat (such as development) arises, whether the threat is real or perceived.

Yours faithfully



Andrew Bigg Cert Arb (RFS)
Senior Arboriculturist
14th January 2021



ACD Environmental at these offices:
(Lead Office) Rodbourne Rail Business Centre, Grange Lane, Malmesbury, SN16 0ES Tel: 01666 825646
Courtyard House, Mill Lane, Godalming, GU7 1BY Tel: 01483 425714
Suite 6, Crescent House, Yonge Close, Hasleigh, SO50 9SX Tel: 02382 026300
Email: mail@ardenva.co.uk Website: www.acdenvironmental.co.uk



From: [Sutton Parish Council \(SMTP\)](#)
To: [Kevin Drane](#)
Subject: [EXTERNAL] FW: TPO/E/04/20
Date: 27 January 2021 10:40:19

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From: Rosie Hughes
Sent: 27 January 2021 10:38
To: Rosie Hughes
Subject: RE: TPO/E/04/20

Good morning Kevin


The parish council had a discussion regarding this consent notice.

Sutton Parish Council is in support of the TPO consent on this land for the following reasons:

1. It is a woodland wildlife environment.
2. A matter of local importance and worthy of protection (not just for neighbouring residents)
3. There is a drainage problem in the area, and removal of established trees may increase problems.
4. Sutton NP Policy NP2 – Protecting and Maintaining features of landscape and biodiversity value, must be considered when consideration is given to confirming the order.

Kind regards

Rosie

Rosie Hughes FSLCC
Clerk to Sutton Parish Council
The Glebe
4 High Street
Sutton
Ely
Cambs
CB6 2RB


Office hours Monday – Thursday.
10am – 12 noon for Reception and information centre.



From: Rosie Hughes
Sent: 25 January 2021 16:00
To: Kevin Drane
Subject: RE: TPO/E/04/20

Thanks Kevin

We have a resident attending out meeting tomorrow evening, to give their views.

Kind regards

Rosie

From: Kevin Drane [REDACTED]
Sent: 25 January 2021 15:00
To: Rosie Hughes
Subject: RE: TPO/E/04/20

Dear Rosie

Please find attached a copy of the TPO order and plan. If there is anything else you require please let me know.

Regards

Kevin Drane
Trees Officer (Planning)
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE

[REDACTED]
[REDACTED]

[Pay, report, apply online 24 hours a day](#)

From: Rosie Hughes [REDACTED]
Sent: 25 January 2021 14:31
To: Kevin Drane [REDACTED]
Subject: [EXTERNAL] TPO/E/04/20

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Hi Kevin

Hope you are well? I received in the post the letter and details of the TPO for land rear of 30 to 40 Garden Close.

I wonder if you could email me over the letter and application, as I wish to share this with members for our meeting. I'm a bit under resourced at home to be able to scan it, other than one page at a time and very slowly.

Many thanks for your help

Rosie

Rosie Hughes FSLCC
Clerk to Sutton Parish Council
The Glebe
4 High Street
Sutton
Ely
Cambs
CB6 2RB
[REDACTED]

Office hours Monday – Thursday.
10am – 12 noon for Reception and information centre.



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From: [Mark Baker](#)
To: [Kevin Drane](#)
Subject: [EXTERNAL] Fwd: Garden Close Trees
Date: 28 January 2021 09:16:01

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>

> Dear Mr Drane

> I understand that it is proposed to provide TPO protection for the large trees and hedgerow at the rear of Garden Close, Sutton.

> I would fully support this action, as the trees form an important element of the local amenity provided by this part of the Village. The trees and hedges are an integral part of the setting, visually helping to link the Recreation Ground, the Cricket Ground and the Listed St Andrew's Church.

> I have lived in Sutton for nearly 40 years and it has been a joy to see this part of the Village improved over the years. The orchard and tree planting at the Recreation Ground have increased the importance of this area as a green space enjoyed by many villagers seeking exercise and tranquility.

>

> Please do all to can to protect this important amenity for us and future generations.

>

> Kind regards

>

> Mark Baker



From: [Brian Watson](#)
To: [Kevin Drane](#)
Subject: [EXTERNAL] Trees behind Garden Close, Sutton
Date: 28 January 2021 10:39:09

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Dear Mr Drane,

It has been suggested that I write to you in support of the Tree Preservation Order granted on the trees behind Garden Close and Lawn Lane in Sutton.

As a resident of the village and living quite close, I feel strongly that this group of trees perform both an aesthetic and practical function where they are and no challenge to the TPO should be allowed.

We have a Village Plan that requires due husbandry to take place on our open and wooded areas and this group in particular certainly qualifies in that regard as an attractive group of mixed and compatible species.

In addition, where they are sited benefits the drainage of the land on which they stand as it is a run-off for rain falling higher up.

We have recently experienced problems of flooding elsewhere in the village where due regard was not paid to natural means of disposing of falling water, and to remove this group of trees would be to encourage a similar problem.

Best regards,

Brian Watson, 

From: [Mike Child](#)
To: [Kevin Drane](#)
Subject: [EXTERNAL] TPO/E/04/20 LAND AT REAR OF 30 TO 40 GARDEN CLOSE SUTTON
Date: 31 January 2021 10:23:48

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Hello Kevin Drane

I write in respect of the recent Tree Preservation Order TPO/E/04/20 dated 15th December 2021.

I support this Tree Preservation Order.

The reasons for my support:

- amenity, landscape and aesthetic value
- nature conservation, sustainability and biodiversity
- a national asset in the fight against climate change

However, there are wider policy and strategic issues that support and illustrate the vital importance of this TPO:

- Neighbourhood Plan NP2 and NP5 - "...proposals will be expected to retain existing features of landscape and biodiversity.." - ".....retain existing mature trees and hedgerows.."
- East Cambs needs to increase it's tree cover not reduce it - (ECDC in the bottom 10 of areas in the country for tree cover (5.3% - half the UK average))
- the government publication "The Case for trees development and the urban environment" illustrates the wider benefits of trees in the urban landscape

I hope that Planning Committee members will support this TPO for the reasons stated above.

Kind regards

Mike Child



From: [Peter Wood](#)
To: [Kevin Drane](#)
Cc: [Lorna Dupre \(SMTP\)](#)
Subject: [EXTERNAL] TPO E/04/20 in Sutton
Date: 01 February 2021 12:35:51

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is Peter Wood

Dear Kevin

Please accept our apologies for a delayed reply, my wife and I are locked down here, having furloughed our care team, working in shifts to provide 24/7 care for our disabled son. So it takes a while to get an email written.

As the owners of one of the trees that it covers, we want to thank you for creating TPO E/04/20. We're delighted you've done it, and we're content for you to have included one of our trees.

The trees covered by the TPO form an important part of the setting of Sutton in its landscape on its more "historic" southern side. They're a visible feature across a very wide area, particularly from the south and from the cricket ground and Station Road, and they also form part of the village setting when viewed across the fen on the route in from Haddenham.

They form an important part of the wildlife ecosystem around here, and they afford the local residents what is, these days, the rare and near-magical privilege of seeing and listening to rooks roosting at dusk.

These semi-mature trees are significant in the area and should not lightly be felled to create a road junction on a proposed estate which itself does not comply with the village's approved Neighbourhood Plan. Denuding the landscape by felling these trees would be completely unnecessary and gratuitous.

Speaking of the village's Neighbourhood Plan, the Plan has two policies which very specifically relate to these trees.

Policy NP2, which relates to any development in Sutton, states that:

All development proposals will be expected to retain existing features of landscape and biodiversity value (including trees, woodland, hedgerows, the open nature of meadowland and verges) and, where practical to do so, provide a net gain in biodiversity through, for example: the creation of new natural habitats; the planting of additional trees and hedgerows; and restoring and repairing fragmented biodiversity networks.

Policy NP5, which relates specifically to the land on which these trees sit, states specifically that any development should...

ii) retain existing mature trees and hedgerows; iii) preserve and enhance views from the south towards the Church, from Lawn Lane eastwards and Station Road westwards across the cricket fields and open spaces

Your TPO is therefore completely in line with both of these policies, and we offer our wholehearted support.

On a more prosaic and pragmatic note, we point out that the field is known to be extremely boggy, and (as Haydens Arboricultural Consultants pointed out in their original tree survey for this application (circa 2016)) this group of trees have high water demand, and so are performing a valuable function in the field. That's not a function that will be replaced by felling most of them and planting replacement saplings somewhere else.

On the subject of tree surveys, we note also that Haydens' survey attributes an estimated remaining life of 40+ years to this group, which appears to be the highest value that they could award. The ACD survey, paid for by the present applicants, drops this to just 20+ years, which seems a somewhat surprising value for English Oaks which are only described as "semi-mature" (Haydens) or "early-mature" (ACD).

We look forward to hearing, in due course, that the TPO has been confirmed.

Best regards

Peter Wood



From: [joy owen](#)
To: [Kevin Drane](#)
Subject: [EXTERNAL] TPO at Abbey site behind Garden Close, Sutton
Date: 01 February 2021 19:25:25

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is joy owen

Dear Kevin,

I am writing on behalf of Sutton Conservation Society who wholeheartedly support the Tree Preservation Order at the Abbey Site in Sutton. In fact we would also like to have the lovely Willow and trees on the South of the site to be added also as all of these are not only beneficial for birds, and other wildlife, especially the great crested newts, but also help enormously to take up some of the flood water that is constantly lying on the land. Native trees such as those on this site are important to biodiversity. Willow trees support up to 266 different species of insect, Oak trees have been shown to support up to 284 different insect species. If a tree is removed, it is not only the tree itself that is lost, but all the insects dependant on that tree for food, the birds that eat the insects, and potentially, mammals such as fox that prey on birds for their food. It takes time for these interconnected webs to establish, so the planting of smaller “replacement” trees is in no way equivalent to a mature tree.

Even if trees are retained, great care needs to be taken to protect the root area during any construction work. Clearly marked Root Protection Areas must be put in place around all the trees on site to prevent significant long-term damage to each tree by damaging it’s roots during the digging of foundations, laying of roads, pavements and footpaths. This includes storage of building materials such as bricks and sand, as this can restrict oxygen to root systems by compacting the soil.

Ecologists recommend that that to compensate for the loss of one tree, five trees should be planted, and they should be of native species. Any trees removed should be used to create log piles to provide insect habitats. As Great Crested Newts are known to live on this site, they will also take advantage of log piles, and deadwood in hedgerows.

An expert from wildlife charity Buglife states “More woodland could help to reverse declines in insect life, but only if we get the right trees in the right place. This means local trees, clean trees and flowery trees using natural regeneration and not planting trees on wildflower grassland or other wildlife habitats.” (Matt Shardlow, head of Buglife)

An expert from the Woodland Trust says “The UK needs to pursue a mix of approaches including expanding native woodland, sustainable commercial plantations, urban trees, hedges and individual countryside trees.” (Nick Phillips).

We are very concerned that if all these trees and hedging are destroyed then the wildlife, especially the great crested newts will suffer and probably be lost to this site due to the lack of safe corridors they need to get to feeding sites and their ponds.

We are also concerned that the loss of all these trees and hedging could badly affect the woodland we planted nearly 30 years ago on the adjacent field to the South of the site as the lack of trees on the Abbey site will increase the runoff of surface water and rain water onto the Recreation Field and the woodland.

This site needs to be sensitively developed due to the presence of great crested newts and it is home to a huge range of wildlife which will be lost if the trees and hedgerows are destroyed.

So we ask you to preserve all the trees and hedges on the site before another important wildlife site is destroyed.

We look forward to hearing of a positive outcome to this TPO,

Best wishes,

Joy Owen

Sutton Conservation Society.



From: [Gaye Himpett](#)
To: [Kevin Drane](#)
Cc: [Lorna Dupre \(SMTP\)](#)
Subject: [EXTERNAL] Tree Preservation Order, Garden Close, Sutton-in-the-Isle
Date: 05 February 2021 13:23:07

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is Gaye Himpett

Dear Mr Drane,

It has been brought to our attention by our District Councillors for Sutton that the developers of the proposed site at Garden Close, Sutton-in-the-Isle have objected to the Tree Preservation Order set up to protect the trees on this site.

In our opinion, as occupants of Lawn Lane, which is adjacent to Garden Close, It is completely unacceptable for these trees and hedgerows to be removed in any circumstances. We can see the canopy of the trees from the front windows of our house and to lose them would change the outlook forever.

We understand the need for housing developments but feel they should be built alongside nature and to preserve the countryside and the existing ecosystem.

Cambridgeshire as a whole has an insufficient number of trees for the size of the county and all developers of land should be encouraged to preserve mature trees and hedgerows as well as new planting on sites.

I hope that the Planning Committee will respect the wishes of the residents of Sutton-in-the-Isle and uphold the Sutton Neighbourhood Plan.

Yours sincerely,

Mike & Gaye Himpett

[Redacted signature block]

[Redacted signature block]

From: [Howard Palmer](#)
To: [Kevin Drane](#)
Subject: [EXTERNAL] TPO application No E/04/20 land east garden close Sutton
Date: 09 February 2021 22:39:52

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is Howard Palmer

Dear Kevin Drane

I have been informed that many of the trees around this site are involved in a application for TPO,s.

This great news. However I am dismayed to hear the developers have stated that these trees have no amenity value.

The willow and all the other trees on this site drink thousands of litres of water on the site every year.

this is a very wet field with springs that appear all over this field and the trees help to deal with the vast volume of water arriving onto this field. It therefore does not make sense to cut them down they need protection.

Apart from the fact the trees look good and benefit the environment, and benefit me & my wife in more ways than I can list.

The main reason the trees should be protected is evident to us every day. Through our windows.

Their is a long list of birds and animals that rely on these trees for food and shelter. we see daily foxes and deer of all types. far to many to just to be passing through, but live here. It puzzled my wife why the weeping willow in the middle of the field did not have foliage touching the ground. but it was soon made clear it was trimmed to exact height the deer could reach. I don't believe you could get it more cut off level with a hedge cutter.

We moved from a farm house in the middle of no ware to garden close but we see a lot more wildlife here than the farmhouse. The wildlife here needs to get some protection so looking after their environment is imperative.

It seem strange that in these modern times we should be letting trees be removed and jeopardising wildlife,

Hopeing you take these factors into consideration with this TPO

Howard & Sue Palmer



From: [Brigid Tree](#)
To: [Kevin Drane](#)
Subject: [EXTERNAL] Tree Preservation Order, Garden Close - 20/01169/RMM (Reserved Matters for outline planning application 17/01445/OUM)
Date: 22 February 2021 01:49:02

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is Brigid Tree

Dear Mr Drane,

We write to register our support for the Tree Preservation Order No E/04/20 currently in place for 3 groups of mature trees on land to the rear of Garden Close.

We are very conscious of their contribution to maintaining the wildlife and biodiversity of the area and also feel it is really important to respect Sutton's Neighbourhood Plan, which ought not to be ignored after being the result of so much work and local input/consultation.

We believe the plan states that development should retain existing mature trees and hedgerows and sadly there is little enough left in the village as it is. Currently, these groups of trees are providing cover for Muntjac which we see daily.

On a personal level and for reasons of retaining access to light in our property, we have reluctantly had to take action on the trees bordering our Bungalow which lies 2 feet below the level of the land to the rear.

However, we will most certainly be doing our bit to mitigate the impact by planting a group of smaller trees which will grow only to about 6 or 7 foot while still keeping the Birds and wildlife happy.

We fervently hope that where at all possible, as much as possible will be done to protect our precious environment and wildlife and we welcome and support the Tree Preservation Order No E/04/20

Yours sincerely,

Brigid and Bruce Tree

[Redacted signature]

[Redacted signature]

[Redacted signature]

Dated: 15th December 2020

TPO/E/04/20

=====

TOWN AND COUNTRY PLANNING ACT 1990

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TREE

PRESERVATION

ORDER

Relating to: - Land Rear Of 30 To 40 Garden Close Sutton
Cambridgeshire

=====

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 Rear Of 30 To 40 Garden Close Sutton
Cambridgeshire , TPO/E/04/20 2020**

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 Rear Of 30 To 40 Garden Close Sutton Cambridgeshire , TPO/E/04/20 2020

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 15th day of December 2020

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 , on the day of

.....
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

.....
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 under the reference number

.....
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 under the reference number

.....
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	Hawthorn	Southern boundary of 10 Oates Lane
T2	Field Maple	Adjacent G1 as per plan

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
G1	7 x Horse Chestnut, 5 x Ash, 1 x Oak, 2 x Lime, 1 x Wild Cherry	Eastern Boundary with Rectory Farm
G2	2 x Common Alder	As per plan
G3	14 x Common Alder, 11 x Ash, 14 x Oak	Opposite entrance adjacent central hedge

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
	NONE	

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Postal Address/Location		Land To The Rear Of Garden Close Sutton Cambridgeshire CB6 2RF	
Date:	11/12/2020	Surveyor:	Kevin Drane

DESCRIPTION OF TREE(S) – Please continue on separate sheet if needed		
Category	Description (incl. species)	Situation
Group 1	7x Horse Chestnut 5x Ash 1x Oak 2x Lime 1x Wild Cherry	Eastern boundary with Rectory Farm
Group 2	2x Common Alder	As per plan
Group 3	14x Common Alder 11x Ash 14x Oak	Opposite entrance adjacent central hedge
Tree 1	Hawthorn	Southern boundary of 10 Oates Lane
Tree 2	Field Maple	Adjacent G1 as per plan

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes 3 rising to 5 when site developed

** Relates to existing context and is intended to apply to severe irremediable defects only*

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes 4 trees are early mature to mature with plenty of growth potential

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 3 to 4 when development completed

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees

Score & Notes 4 planning info suggests part removal of groups

- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes 5 removal via planning consent likely

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible just
- 16+ Definitely merits TPO

**Add Scores for
Total:
19**

Decision:

Issue TPO ASAP due to the significant amenity value of the trees.

LAND OFF GARDEN CLOSE SUTTON ELY

ARBORICULTURAL IMPACT ASSESSMENT

for



Written By:	A Bigg
Revised By:	T Grayshaw
Date:	05/08/2020
Revision:	A:12/11/20
Ref:	ABBEY22966aia

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1. Executive Summary

- 1.1. This site benefits from an Outline Planning Approval which was granted at Appeal in January 2019.
- 1.2. This report is in support of a Reserved Matters application relating to access, appearance, landscaping, layout, and scale. The Appeal Decision outlined the following points:
 - The principle of a development containing up to 53 dwellings has already been established through the grant, on appeal, of outline planning permission 17/01445/OUM. (Appeal ref:APP/ V0510/W/18/3195976).
 - The Reserved Matters under consideration as part of this pre-application advice are; appearance, landscaping, layout, and scale. Vehicular access to the development is to be achieved via a new access point at the end of Garden Close, to the east of the last of the existing properties.
 - The principle of an access point in this location was proposed in the illustrative masterplan and accepted through the grant of outline planning permission.
- 1.3. This report was revised to address comments raised by ECDC Tree Team 17th June 2020. The responses to these comments have been made in the associated sections of this report.
- 1.4. This report has been revised to address comments from the East Cambridgeshire District Council tree officer 4th November 2020.
 - Proximity of unit 40 to trees identified for retention. Adequate space has been given to allow for scaffold erection (2m+) this will be appropriate space for future growth of adjacent trees. In respect of future pressure to prune it is reasoned that any potential resident will have the capacity to review the relationship between the unit and tree stock. In addition, ECDC have the means and opportunity to utilise the TPO legislation to ensure the continued long term protection of the trees.
 - Detailed services/utilities design is not available for assessment. As per Figure 1 of BS5837:2012, these details are considered detailed/technical design. The arboricultural assessment notes that there is adequate space within the site to avoid RPAs of trees identified for retention.
 - Revised information for arboricultural input has been included within section 3.14 of this report.
- 1.5. This impact assessment is intended to evaluate the direct and indirect effects of the proposed design on the trees on site, and where necessary recommends mitigation.

- 1.6. The development proposals are in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.
- 1.7. Adequate protection can be provided to ensure all retained trees are protected throughout development in the form of barriers and/or ground protection.
- 1.8. Details for those trees to be removed are given at section 3.4 below. Given the number of trees on the site, the development proposals incorporate the majority of the better, more sustainable specimens that are situated on the site boundaries. All trees identified for removal are internal to the site and therefore their removal will not have any significant adverse impact on the surrounding area.
- 1.9. The relationship between the buildings and retained trees is sustainable and does not result in any situations which may result in unreasonable pressure to prune requests from future occupants.

2. Introduction

- 2.1. ACD Environmental was instructed in August 2020 to prepare the following impact assessment by Abbey Homes. This report is compiled from the revised information recorded within ABBEY22725 revs A-E. Reference is made to existing Tree Survey and Reference Plan under the same job number ABBEY22725tr and ABBEY22725-01. These documents are a snapshot of the site at the time of the survey and as such have not been updated for the purpose of this new submission.
- 2.2. This report is based on the recommendations given in BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.
- 2.3. Data is extracted from, and reference should be made to, the tree survey which preceded this report. (ACD Ref: ABBEY22725tr).
- 2.4. This assessment is based upon the supplied layout drawing by CMYK drawing number 1925/P/10.02 revision C dated 18.05.2020.
- 2.5. No details have been supplied or sought of any statutory protection which may cover the subject trees.
- 2.6. The controlling authority is East Cambridgeshire District Council, who can be contacted at: The Grange, Nutholt Lane, Ely, Cambridgeshire, CB7 4PL. (01395) 516551

3. Arboricultural Impact Assessment

3.1. This impact assessment is intended to evaluate the direct and indirect impacts on the trees on the site in relation to the proposed development. Where appropriate mitigation is proposed, with details given of any issues to be addressed by the arboricultural method statement to ensure the development is acceptable in arboricultural terms.

3.2. Any potentially damaging activities proposed in the vicinity of retained trees are identified, such that mitigation to significantly reduce or avoid this impact can be detailed in the Arboricultural Method Statement and Tree Protection Plan as recommended in BS5837:2012 section 5.4.2.

3.3. The tree survey for the site is at Appendix 2 of the Tree Report for the site ACD reference ABBEY22725tr.

3.4. Evaluation of impact of proposed tree losses

3.4.1. The following B category trees are proposed for removal:

- T32 (Weeping Willow)
- G8 (Alder) 14 trees to be removed from a total of 14 in the group.
- G9 (Ash) 4 trees to be removed from a total of 11 in the group.
- G10 (Oak) 2 trees to be removed from a total of 14 in the group.

3.4.2. Although the removal of B category trees is not ideal, the individual Willow tree and components of the groups are all found internal to the site. Whilst it is acknowledged the trees have some value in their current context, they are not of a quality that should compromise the layout. It is reasoned to be acceptable to remove and provide replacement trees as illustrated on the proposed layout.

3.4.3. Officer comments have been made of the 'unnecessary loss of category 'B' trees'. Again, it is reasoned that these trees are well within the site and compensatory replanting across the site will be more beneficial in creating a continued long term contribution to the overall sylvan character of the area.

3.4.4. It is expressed, the central group should be assessed as a single group. The reason the group was recorded as three 'survey entries' was to accurately record species density. In assessing the group as a single cohesive group, it is reasoned the removal of the trees within the western half of the group will not have a detrimental impact to the local amenity as effectively trees are being removed from adjacent individuals whilst retaining the group feature that is visible in views from the west.

3.4.5. The following C category trees are proposed for removal:

- T21 – T28, T46 – T50
- G4 (Hawthorn)
- G6 (Hawthorn)
- G7 (Hawthorn/Blackthorn) 80% of group by area to be removed.

- 3.4.6. In terms of the effects of the tree loss required to implement the design, the trees to be removed are all located well within the interior of the site, and therefore will not have any significant adverse impact on the surrounding area. Any impact and loss of amenity which may be felt locally will only be short term.
- 3.4.7. The C category trees proposed for removal are not of a quality that should present any constraint to development of the site.
- 3.4.8. It is therefore deemed acceptable to remove the listed trees and, as part of the detailed landscape design for the scheme, include suitable and sustainable replacements as and where appropriate.
- 3.4.9. Replacement trees will be proposed through landscape design and will more than mitigate for their removal by providing robust long term tree cover in keeping with the proposal and surrounding properties.

3.5. Trees to be pruned

- 3.5.1. No pruning works are required to implement the development, and tree surgery works are not anticipated (excluding tree removals). Should any become necessary it should comply with BS3998:2010 Tree Work or more recently accepted arboricultural good practice and be approved by the East Cambridgeshire District Council prior to any commencement.
- 3.5.2. An error was recorded between AIA report and the supporting AMS report. Trees nos. T21-T23 were identified for removal in the last set of revisions and not updated as such. It is confirmed that surgery works are not required to these individuals.

3.6. Protection for retained trees

BS5837:2012 section 6.2.1. states: 'All trees that are being retained on site should be protected by barriers and/or ground protection (see 5.5) before any materials or machinery are brought onto the site, and before any demolition, development or stripping of soil commences. Where all activity can be excluded from the RPA, vertical barriers should be erected to create a construction exclusion zone. Where, due to site constraints, construction activity cannot be fully or permanently excluded in this manner from all or part of a tree's RPA, appropriate ground protection should be installed (see 6.2.3).' As such, protection for all retained trees is shown on the Tree Protection Plan according to this specification.

3.7. Barriers

BS5837:2012 figure 2 recommends a default specification for protective barrier. This is a weld mesh panel design, mounted upon a well braced scaffold framework. This is perfectly adequate for this site where there are to be areas of high intensity development. Given the scale of the site, where it is likely there will be much lower pressure in terms of construction activity (such as future rear gardens), it is suggested that 1.2m chestnut pale fencing (or similar) clearly indicated as Tree Protection Fencing by signage would be entirely adequate. All tree protection fence should be erected before any works start on site whatsoever.

3.8. Shade and future pressure to prune

- 3.8.1. It is acknowledged that the compiled Tree Protection Plan does not show the indicative shading arc as detailed in BS5837 section 5.2.2 Note 1. With reference to 'can be shown' and not 'should be shown'. However, this data is generated within the survey software and shown on internal CAD design drawings.
- 3.8.2. In direct reference to unit 38, following site layout revisions now as unit 40, 'the crowns of the remaining trees will be extremely close to the proposed building making the need for future pruning invertible (sic) and pressure for further tree removal'. This unit is situated to the south of this group and shading will be cast to the north. It is reasoned that perspective purchasers will be able to review and assess the property prior to purchase. Furthermore, East Cambridgeshire District Council have the means and opportunity to ensure the continued protection of these trees in the form of the confirmed Tree Preservation Order.
- 3.8.3. The site layout has been assessed in terms of shading and future pressure to prune. Given the orientation of the site, and the relationship between the proposed buildings and the retained trees, the juxtaposition is viable for long-term tree retention, and it is considered that shading by trees is unlikely to be a concern to future residents. As a result, it is considered unlikely that there would be any undue pressure to remove trees, or excessively prune from any future occupants.

3.9. Proposed New Hard Surfaces within RPAs

- 3.9.1. In order to minimise impact on the trees where the proposed internal carriageway/footpath encroaches across the RPAs of off-site trees T4 and T34. However, these incursions are minimal being less than 2% of their total RPA. Therefore, it is reasoned that the new hard surface will not be to the detriment of the tree.

3.10. Construction footprint within RPAs of retained trees

- 3.10.1. BS5837:2012 states at section 5.3.1: 'The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause 7).
- 3.10.2. The design proposals for this project have been compiled so that all construction footprint is sited outside the RPAs of trees identified for retention. Therefore, special construction measures or adjustment of the plans are not required.

3.11. Drainage & Services

- 3.11.1. Drainage details have been provided for the purpose of this assessment from Brian Chick Engineering 'Drainage Strategy Plan' Drawing number 219537/p revision A. Details from this drawing of the proposed services have been added to the Tree Protection Plan. It can be seen that the drainage has been designed such that there are no conflicts with the RPAs of retained trees.
- 3.11.2. Seven trees are proposed to be removed in the open space area at the south of the site to the south of the existing pond. It is confirmed with reference to notes taken at the time of the tree survey that these are all C category Hawthorn and Ash in poor condition due to the currently waterlogged ground in that area.

3.12. Levels and Landscaping

- 3.12.1. Full details of any changes in ground levels on site remain to be finalised. Any alterations to levels close to trees may damage roots and affect tree health and stability. Unless no-dig methodology is proposed for installation of surfaces within RPAs the original levels in these areas must be noted, retained, and integrated into the engineering design of the site. Landscaping operations within the RPAs of retained trees must be carried out in a sensitive manner and be subject to a detailed method statement and arboricultural supervision.

3.13. Boundaries

- 3.13.1. All plot boundaries will need to be designed, positioned, and installed to avoid damage to retained trees. When within RPAs, this will include hand excavation of all post holes, and the lining of any post holes with a non-porous membrane to stop leachates from the concrete damaging tree roots.

3.14. Supervision & monitoring

- 3.14.1. The development lacks any bespoke surface installation or foundation design. Therefore, arboricultural input from the project arboriculturist will be limited to a pre-commencement meeting with interested site managers and the ECDC tree officer.
- 3.14.2. ACD Environmental have been retained as the project arboriculturist and have worked extensively with Abbey Homes. It is reasoned that whilst concentrated arboricultural input will not be required throughout the construction phase, ACD Environmental will be available to provide both telephone and/or site input.

4. Conclusion & Recommendations

- 4.1. The development proposals are in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.
- 4.2. Adequate protection can be provided to ensure all retained trees are protected throughout development in the form of barriers and/or ground protection.
- 4.3. The development proposals are in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'. Adequate protection can be provided to ensure all retained trees are protected throughout the development.
- 4.4. Any comments and recommendations made in section 3 should be noted and due consideration be given to the phasing and operational impact (and viability) of special construction techniques.
- 4.5. Any fencing and other tree protection measures should be erected after tree surgery but before any demolition or construction contractor enter the site, and before any soil stripping takes place. It is recommended that protection measures are monitored during the development process by a representative of ACD or an alternative consultant acceptable to the LPA, who should be responsible to both the developer and the LPA for the enforcement of the protection as agreed by both parties.
- 4.6. There must be no changes in levels, service routing, machine activity, storage of materials or site hut positioning within areas to be protected and the protective fencing must remain in position for the duration of the construction process.
- 4.7. Surgery may also be required in order to allow trees to be retained close to structures, to allow access for construction or future site traffic, or in the interests of the future health and safety of the trees and users of the site. Detailed recommendations for surgery should be provided prior to site commencement. All surgery should comply with BS3998:2010 or more recently accepted arboricultural good practice.

Andrew Bigg *CertArb (RFS)*
Arboriculturist

5th August 2020

Revised 12th November 2020 – To address tree officer comments.

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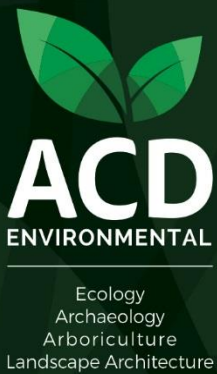
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**ECOLOGICAL SURVEYS * PROTECTED SPECIES LICENSING * MITIGATION * IMPACT
ASSESSMENT * ARBORICULTURAL SITE MONITORING AND SUPERVISION * ARCHAEOLOGY
LANDSCAPE & VISUAL IMPACT ASSESSMENT * LANDSCAPE AUDIT * PROJECT MANAGEMENT
* EXPERT WITNESS* LANDSCAPE DESIGN & PLANNING LANDSCAPE MANAGEMENT**

LAND OFF GARDEN CLOSE SUTTON ELY

TREE SURVEY

for



Written By:	A Bigg
Checked By:	T Grayshaw
Date:	21/01/2020
Revision:	-
Ref:	ABBEY22725ts

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1. Introduction and Terms of Reference

- 1.1. ACD Environmental were instructed by Abbey Homes, in January 2020, to survey and categorize the trees at Garden Close, Sutton, Ely, in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. The survey includes all trees with a stem diameter greater than 75mm stem diameter at a height of 1.5m that are on site or close enough to pose a potential constraint to development.
- 1.2. The survey was carried out to assess the trees on site for their quality and benefits within the context of proposed development. The quality of each tree, or group of trees has been recorded by allocating it to one of four categories, where:
 - Trees of A and B category should be considered as constraints to development and every attempt should be made to incorporate them into any proposed development design.
 - C category trees will not usually be retained where they would impose a significant constraint to development but should be retained where there is no reason for their removal.
 - U category trees are in such a condition that they are unlikely to contribute beyond 10 years and may be removed as good arboricultural practice.
- 1.3. This report provides the data and advice outlined in BS5837:2012 only. It must not be substituted for a tree risk assessment. Detailed tree inspection including decay mapping, aerial inspection, soil analysis, etc. was not undertaken. If further detailed inspection is deemed necessary, then it will be made clear within this report.
- 1.4. The Tree Reference Plan was based on the supplied topographical ground survey.
- 1.5. The controlling authority is East Cambridgeshire District Council, who can be contacted at:

The Grange, Nutholt Lane, Ely, Cambridgeshire, CB7 4PL. (01395) 516551
- 1.6. Any questions relating to the content of this report should be directed in the first instance to: ACD Environmental, Courtyard House, Mill Lane, Godalming, Surrey GU7 1EY, 01483 425 714/07796 832 490, quoting the site address and report reference number.



2. Scope and Method of Survey

- 2.1. The survey has been carried out in accordance with BS5837:2012 Trees in Relation to design, demolition and construction - Recommendations and the trees are assessed objectively and without reference to any site layout proposals. Categories are based on each tree's health and condition, together with an assessment of its life expectancy if its surroundings were to be unchanged. An explanation of the categories can be found at appendix 1.
- 2.2. The reference numbers of surveyed trees and groups of trees are shown on the Tree Reference Plan, which is based on the supplied survey drawing and appended to this report. The prefix G has been used to indicate a group of trees, and H for hedges. Stem locations within groups may be estimated, and indicative of canopy only.
- 2.3. The tree survey was carried out from ground level only.
- 2.4. In correspondence with East Cambridgeshire District Council, 22nd January 2020, it is informed that there are no Tree Preservation Orders in effect and there are no tree related planning conditions in operation. Some of the top section of the site to the rear of Rathmore 2 Station Road Sutton and 4 Station Road Sutton is within the Sutton conservation area.
- 2.5. Where trees are located on neighbouring land an estimated appraisal has been made of their quality and dimensions.
- 2.6. Where stems or branches are obscured by ivy or other materials a full assessment of those parts will not be possible.
- 2.7. Tree heights were measured with a clinometer or estimated in relation to those measured with the clinometer. If individual tree heights are of particular concern, for example in shading calculations, then they are measured using a clinometer.
- 2.8. Trunk diameters were measured or, where inaccessible, estimated. Single stemmed trees are measured at 1.5m from ground level. Multiple stemmed trees are measured according to section 4.6 of BS5837:2012. For groups of trees the diameter may be an estimated average or a maximum.
- 2.9. Tree canopies, where markedly asymmetrical, were measured (or estimated by pacing) in four directions using a laser measure. Symmetrical canopies are measured in one direction only, with dimensions in the remaining directions assumed to be similar. The canopy of tree groups will be indicated by measuring the maximum canopy radius for each compass point (more complicated groups will have further notes taken and an accurate representation will be shown on the plan).
- 2.10. No soil assessment was carried out at the time of survey. According to the National Soil Resources Institute online mapping service at <http://www.landis.org.uk/soilscapes> the soil on site is expected to be: Loamy and sandy soils with naturally high groundwater and a peaty surface.

3. Recommendations

- 3.1. Trees of A and B category should be considered as constraints to development and every attempt should be made to incorporate them into any proposed development design. Trees of a C category will not usually be retained where they would impose a significant constraint to development. U category trees are in such a condition that they will be lost within 10 years and may be removed as good arboricultural practice.
- 3.2. There is scope for development of the site whilst retaining the important trees on the boundaries and by removing the lower quality trees from the interior of the.
- 3.3. Trees can be a development constraint both below and above the ground. In terms of below ground constraints, BS5837:2012 RPAs indicate an area that contains sufficient rooting volume to ensure survival of the tree. In terms of the proximity of structures to trees, the default position should be that structures are located outside the RPAs of trees to be retained. This area of ground should be considered within the site layout, such that it can left undisturbed during demolition and construction by prohibiting activity from the area using protective fencing or ground protection.
- 3.4. In terms of the above ground factors, tree constraints presented by the canopy and the psychological effects of tree proximity to dwellings (such as shading, perceived threat of tree failure, etc.) must also be considered during scheme design. This will involve optimising site layout and building room use to avoid the end-user becoming resentful of the trees and seeking excessive pruning or even tree removal. This is especially a consideration with trees located on southern boundaries.
- 3.5. Preferably, conflicts between proposed structures and RPAs and tree canopies should be 'designed out' through the careful positioning of any built form. It is therefore advisable that any development layouts are drafted in close collaboration with ACD to ensure that any trees which are highlighted for retention can be realistically integrated into the design.
- 3.6. When a final layout is agreed, an Arboricultural Impact Assessment (AIA) should be completed to discuss arboricultural issues within the scheme and demonstrate to the Planning Authority the viability of the layout.
- 3.7. Before any works start on site, including demolition, an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) should be submitted, approved and implemented. There must be no changes in levels, service routing, machine activity, storage of materials or site hut positioning within the Root Protection Areas (RPAs) and the protective fencing must remain in position for the duration of the construction process.

- 3.8. BS5837:2012 Section 5.1.1 states that the constraints imposed by trees, both above and below ground should inform the site layout design, although it is recognized that the competing needs of development mean that trees are only one factor requiring consideration. Certain trees are of such importance and sensitivity as to be major constraints on development or to justify its substantial modification. However, care should be taken to avoid misplaced tree retention; attempts to retain too many or unsuitable trees on a site can result in excessive pressure on the trees during demolition or construction work, or post-completion demands for their removal. It is anticipated that there is to be comprehensive redevelopment of the site, which may require the removal of B category trees. Removal of B category trees may be considered acceptable, subject to mitigation planting as part of landscape proposals. It is advised that this is subject to discussion with the Local Planning Authority as to the acceptability of this approach.
- 3.9. BS5837:2012 Section 5.2.1 states that: 'The RPA and any other relevant constraints should be plotted around each of the category A, B and C trees on relevant drawings, including proposed site layout plans'. Recognition is given in Table 1 however that C category trees are 'unremarkable trees of very limited merit'. As such it is considered that C category trees should be retained where appropriate, but should not represent a constraint to an otherwise satisfactory proposal.

Andrew Bigg *CertArb (RFS)*
Arboriculturist

21 January 2020

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Appendix 1: Summary of Categories BS5837:2012

BS5837:2012 Table 1 - Cascade chart for tree quality assessment			
Category and definition	Criteria (including subcategories where appropriate)		
Trees unsuitable for retention (see Note)			
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	*Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) *Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline *Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality <i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i>		
	1 Mainly arboricultural qualities	2 Mainly landscape qualities	3 Mainly cultural values, including conservation
Trees to be considered for retention			
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality	Trees with material conservation or other cultural value
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value

Appendix 2: Tree Survey Schedule

No.	Name	Ht (crown)	Dia (stems)	Canopy spread N E S W				Life stage	ERC	Comments & preliminary recommendations	BS Cat
T1	<i>Alnus glutinosa</i> (Common Alder)	12(1)	290(1)	3	3	3	3	SM	40+	Fair tree of moderate quality and value.	B2
T2	<i>Alnus glutinosa</i> (Common Alder)	12(1)	300,140(2)	3	3	3	3	SM	40+	Fair tree of moderate quality and value. Twin-stemmed.	B2
T3 Off-site	<i>Crataegus monogyna</i> (Hawthorn)	12(1.5)	325(1)	3	3	3	3	EM	20+	Fair tree of moderate quality and value. Heavily ivy covered.	B2
T4 Off-site	<i>Salix fragilis</i> (Crack Willow)	16(2)	500,300(2)	6	6	6	6	EM	20+	Off-site dominant individual. Twin-stemmed tree of moderate quality and of high landscape value.	B2
T6 Off-site	<i>Salix fragilis</i> (Crack Willow)	14(2)	750(1)	6	6	6	6	EM	20+	Off-site dominant individual. Tree of moderate quality and value. Topped at 12m regrowth approx. 100mm avg	B2
T5 Off-site	<i>Populus X canadensis</i> (Hybrid Black Poplar)	18(5)	500(1)	4	4	4	4	EM	10+	Boundary individual of moderate landscape value but of reduced structural condition. Stem removed at 3m large nonoccluded wound.	C2
T7	<i>Sambucus nigra</i> (Elder)	6(2)	200(1)	2	2	2	2	SM	10+	Small individual of limited quality and value.	C2
T8 Off-site	<i>Prunus cerasifera</i> (Cherry Plum)	7(1)	300(1)	1	2	5	2	EM	10+	Boundary individual of reduced quality and value.	C2
T9 Off-site	<i>Fraxinus excelsior</i> (Ash)	17(3)	430(1)	2	4	5	5	SM	10+	Tree of some landscape value of reduced structural condition. Fungal fruiting bodies at cavity trunk wound N 1m.	C2
T10 Off-site	<i>Fraxinus excelsior</i> (Ash)	17(3)	440(1)	2	4	3	5	EM	10+	Tree of reduced quality and of some landscape value given size. Historic pruning works. Poor crown architecture.	C2
T11 Off-site	<i>Acer pseudoplatanus</i> (Sycamore)	20(4)	560,570(2)	6	6	6	6	M	40+	Significant boundary tree of high quality and value. Readily visible from surrounding views.	A2

No.	Name	Ht (crown)	Dia (stems)	Canopy spread N E S W				Life stage	ERC	Comments & preliminary recommendations	BS Cat
T12	Thuja plicata (Western Red Cedar)	6(0)	150,200(2)	2	2	2	2	SM	40+	Twin-stemmed fast-growing non-native conifer species of moderate quality and of reduced value due to small size.	C2
T13	Carpinus betulus (Hornbeam)	6(0.5)	150,250(2)	2	2	2	2	Y	40+	Small individual of limited quality and value.	C2
T14	Carpinus betulus (Hornbeam)	6(0.5)	150,200(2)	2	2	2	2	Y	40+	Small individual of limited quality and value.	C2
T15	Aesculus hippocastanum (Horse Chestnut)	7(1.5)	230(1)	3	3	2	3	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of some landscape value and of reduced quality. The tree is showing infection by bleeding canker having typical lesions and tissue degradation on main trunk in form of splits and cracks. Landowner confirms trees have historically suffered from Chestnut Leaf Miner throughout summer months.	C2
T16	Aesculus hippocastanum (Horse Chestnut)	8(1.5)	240(1)	3	3	3	3.5	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of some landscape value and of reduced quality. The tree is showing infection by bleeding canker having typical lesions and tissue degradation on main trunk in form of splits and cracks. Landowner confirms trees have historically suffered from Chestnut Leaf Miner throughout summer months.	C2

No.	Name	Ht (crown)	Dia (stems)	Canopy spread N E S W				Life stage	ERC	Comments & preliminary recommendations	BS Cat
T17	Aesculus hippocastanum (Horse Chestnut)	5(1)	190(1)	3	3	3	3	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of some landscape value and of reduced quality. The tree is showing infection by bleeding canker having typical lesions and tissue degradation on main trunk in form of splits and cracks. Landowner confirms trees have historically suffered from Chestnut Leaf Miner throughout summer months.	C2
T18	Aesculus hippocastanum (Horse Chestnut)	6.5(1)	200,160(2)	3	3	3	3	SM	20+	A single twin-stemmed individual planted in a linear pattern on eastern boundary of main compartment. Tree of some landscape value and of reduced quality. The tree is showing infection by bleeding canker having typical lesions and tissue degradation on main trunk in form of splits and cracks. Landowner confirms trees have historically suffered from Chestnut Leaf Miner throughout summer months.	C2
T19	Aesculus hippocastanum (Horse Chestnut)	6(1)	185(1)	3	3	3	3	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of some landscape value and of reduced quality. The tree is showing infection by bleeding canker having typical lesions and tissue degradation on main trunk in form of splits and cracks. Landowner confirms trees have historically suffered from Chestnut Leaf Miner throughout summer months.	C2

No.	Name	Ht (crown)	Dia (stems)	Canopy spread N E S W				Life stage	ERC	Comments & preliminary recommendations	BS Cat
T20	Aesculus hippocastanum (Horse Chestnut)	6.5(1)	240(1)	3	3	3	3	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of some landscape value and of reduced quality. The tree is showing infection by bleeding canker having typical lesions and tissue degradation on main trunk in form of splits and cracks. Landowner confirms trees have historically suffered from Chestnut Leaf Miner throughout summer months.	C2
T21	Aesculus hippocastanum (Horse Chestnut)	8(1)	255(1)	3	3	3	3.5	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of some landscape value and of reduced quality. The tree is showing infection by bleeding canker having typical lesions and tissue degradation on main trunk in form of splits and cracks. Landowner confirms trees have historically suffered from Chestnut Leaf Miner throughout summer months.	C2
T22	Fraxinus excelsior (Ash)	8(1)	260(1)	3	3	3	3.5	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of moderate quality but of reduced landscape value due to small size. No larger than adjacent boundary vegetation.	C2
T23	Fraxinus excelsior (Ash)	8(1)	245(1)	3	3	3	3	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of moderate quality but of reduced landscape value due to small size. No larger than adjacent boundary vegetation.	C2

No.	Name	Ht (crown)	Dia (stems)	Canopy spread				Life stage	ERC	Comments & preliminary recommendations	BS Cat
				N	E	S	W				
T24	Quercus robur (Common Oak)	8(1)	255(1)	4	4	4	4	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of moderate quality but of reduced landscape value due to small size. No larger than adjacent boundary vegetation.	C2
T25	Fraxinus excelsior (Ash)	8(1)	240(1)	3	3	3	3	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of moderate quality but of reduced landscape value due to small size. No larger than adjacent boundary vegetation.	C2
T26	Fraxinus excelsior (Ash)	8(1)	240(1)	3	3	3	3	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of moderate quality but of reduced landscape value due to small size. No larger than adjacent boundary vegetation.	C2
T27	Tilia cordata (Small- leaved Lime)	7(1)	230(1)	3	3	3	3	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of moderate quality but of reduced landscape value due to small size. No larger than adjacent boundary vegetation.	C2
T28	Fraxinus excelsior (Ash)	8(1)	240(1)	3	3	3	3	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of moderate quality but of reduced landscape value due to small size. No larger than adjacent boundary vegetation.	C2
T29	Tilia cordata (Small- leaved Lime)	6(1)	190(1)	2	2	2	2	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of moderate quality but of reduced landscape value due to small size. No larger than adjacent boundary vegetation.	C2

No.	Name	Ht (crown)	Dia (stems)	Canopy spread				Life stage	ERC	Comments & preliminary recommendations	BS Cat
				N	E	S	W				
T30	Prunus avium (Wild Cherry)	7(1)	210(1)	2	2	2	2	SM	20+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of moderate quality but of reduced landscape value due to small size. No larger than adjacent boundary vegetation.	C2
T31	Prunus 'Kanzan' (Pink Cherry)	3(1)	150(1)	1	0.75	0.75	0.75	Y	10+	A single individual planted in a linear pattern on eastern boundary of main compartment. Tree of moderate quality but of reduced landscape value due to small size. No larger than adjacent boundary vegetation.	C2
T32	Salix X chrysocoma (Weeping Willow)	17(1)	590(1)	7	7	7	7	M	20+	Dominant individual growing internally at southern end of main compartment. Large areas of water-logged ground around base of trees. Tree of moderate quality and value as readily visible in surrounding views.	B2
T33 Off-site	Fraxinus excelsior (Ash)	15(3)	400(2)	1	5	5	5	SM	20+	Twin-stemmed off-site individual. Dimms estimated as inaccessible. Ditch immediately adjacent to tree with running water. Tree of moderate quality and value.	B2
T34	Fraxinus excelsior (Ash)	14(3)	400,250(2)	4	4.5	4.5	4	SM	20+	Twin-stemmed individual of moderate quality and value.	B2
T35	Crataegus monogyna (Hawthorn)	6(2)	250(1)	2	1.5	1.5	2	SM	40+	Small individual of moderate quality and some landscape value.	C2
T36	Crataegus monogyna (Hawthorn)	6(2)	300(1)	2	2	2	2	EM	40+	Small individual of moderate quality and some landscape value.	C2
T37										Dead standing wood	U
T38 Off-site	Crataegus monogyna (Hawthorn)	7(1)	275(1)	2	2	2	2	SM	40+	Small individual of moderate quality and some landscape value.	C2
T39 Off-site	Crataegus monogyna (Hawthorn)	7(1)	275(1)	2	2	2	2	SM	40+	Individual of moderate quality and some landscape value. Growing closely to another Hawthorn with shared canopy.	C2

No.	Name	Ht (crown)	Dia (stems)	Canopy spread N E S W				Life stage	ERC	Comments & preliminary recommendations	BS Cat
T40 Off-site	Crataegus monogyna (Hawthorn)	7(1)	275(1)	2	2	2	2	SM	40+	Individual of moderate quality and some landscape value. Growing closely to another Hawthorn with shared canopy.	C2
T41	Prunus cerasifera (Cherry Plum)	9(2)	100(1)	2	2	2	1	SM	10+	Small boundary individual of reduced quality and value.	C2
T42	Prunus cerasifera (Cherry Plum)	10(2)	150(4)	3	3	3	3	SM	10+	Small boundary individual of reduced quality and value.	C2
T43	Fraxinus excelsior (Ash)	14(2)	500(1)	4	4	4	4	EM	20+	Fair tree of moderate quality and value growing on site boundary.	B2
T44	Salix fragilis (Crack Willow)	15(3)	900(1)	7	7	7	7	OM	<10	Large individual has partially collapsed into adjacent water body. Typical of species as main stem has continued to flourish. Structurally unsound however of landscape value given setting.	U
T45	Crataegus monogyna (Hawthorn)	8(1)	275(1)	3	2.5	2.5	2.5	SM	20+	Tree of moderate quality and value growing adjacent to water body.	B2
T46	Crataegus monogyna (Hawthorn)	6(1)	150(4)	3	2	2	2.5	SM	20+	Established boundary hedgerow individual of moderate quality and of some landscape value. Internal individual given land ownership.	C2
T47	Prunus cerasifera (Cherry Plum)	7(3)	260(1)	1	3	3	3	SM	20+	Established boundary hedgerow individual of moderate quality and of some landscape value. Internal individual given land ownership.	C2
T48	Crataegus monogyna (Hawthorn)	6(1)	150(4)	2	3	3	2	SM	20+	Established boundary hedgerow individual of moderate quality and of some landscape value. Internal individual given land ownership.	C2

No.	Name	Ht (crown)	Dia (stems)	Canopy spread N E S W				Life stage	ERC	Comments & preliminary recommendations	BS Cat
T49	Prunus cerasifera (Cherry Plum)	7(3)	300,250(2)	2	1	3	3	SM	20+	Established twin-stemmed boundary hedgerow individual of moderate quality and of some landscape value. Internal individual given land ownership.	C2
T50	Acer campestre (Field Maple)	9(0)	350(1)	3	3	3	3	SM	40+	Tree of moderate quality and of some landscape value.	C2
T51 Off-site	Betula pendula (Silver Birch)	14(1)	345(1)	3	3	3	3	SM	40+	Off-site individual growing adjacent to site access point. Tree of moderate quality and value.	B2
G1	X Cupressocyparis leylandii (Leyland Cypress)	5(0)	150(1)	2	1.5	1.5	1.5	Y	40+	Boundary individuals of moderate quality and of some landscape value for screening.	C2
G2	Malus sylvestris (Crab Apple)	5(0.5)	100(1)	1	1	1	1	Y	20+	Linear group of small fruit trees planted as screening.	C1
G3	Prunus spinosa (Blackthorn)	4(1)	100(1)	2	1.5	1.5	1.5	Y	20+	Group of small individuals growing on southern boundary of reduced quality and value.	C2
G4	Crataegus monogyna (Hawthorn)	5(0)	150(1)	As shown on plan				SM	40+	Boundary individuals of reduced quality and value. Some evidence of historic management.	C2
G5	Prunus spinosa (Blackthorn),Crataegus monogyna (Hawthorn)	5(0)	150(1)	As shown on plan				SM	20+	Boundary individuals of reduced quality and value. Some evidence of historic management.	C2
G6	Crataegus monogyna (Hawthorn)	6(0)	150(1)	As shown on plan				SM	20+	Mixed species group of reduced quality and value. Some evidence of historic management.	C2
G7	Crataegus monogyna (Hawthorn),Prunus spinosa (Blackthorn)	7(0)	150(1)	As shown on plan				SM	20+	Mixed species group of reduced quality and value. Some evidence of historic management.	C2

No.	Name	Ht (crown)	Dia (stems)	Canopy spread N E S W	Life stage	ERC	Comments & preliminary recommendations	BS Cat
G8	<i>Alnus glutinosa</i> (Common Alder)	12(1)	300(1)	As shown on plan	EM	20+	Group of individuals forming a small copse within the centre of the larger land parcel. Trees of moderate quality and value. Shared canopy due to group pressure.	B2
G9	<i>Fraxinus excelsior</i> (Ash)	12(1)	450(1)	As shown on plan	EM	20+	Group of individuals forming a small copse within the centre of the larger land parcel. Trees of moderate quality and value. Shared canopy due to group pressure.	B2
G10	<i>Quercus robur</i> (Common Oak)	12(1)	250(1)	As shown on plan	EM	20+	Group of individuals forming a small copse within the centre of the larger land parcel. Trees of moderate quality and value. Shared canopy due to group pressure.	B2
G11	<i>Crataegus monogyna</i> (Hawthorn)	5(0)	150(1)	As shown on plan	SM	40+	Boundary individuals of reduced quality and value. Some evidence of historic management.	C2
G12	<i>Acer campestre</i> (Field Maple)	3(0)	150(1)	As shown on plan	SM	20+	Boundary individuals of reduced quality and value. Some evidence of historic management.	C2

Appendix 3: Tree Reference Plan
(REF12345-01)



Head Office

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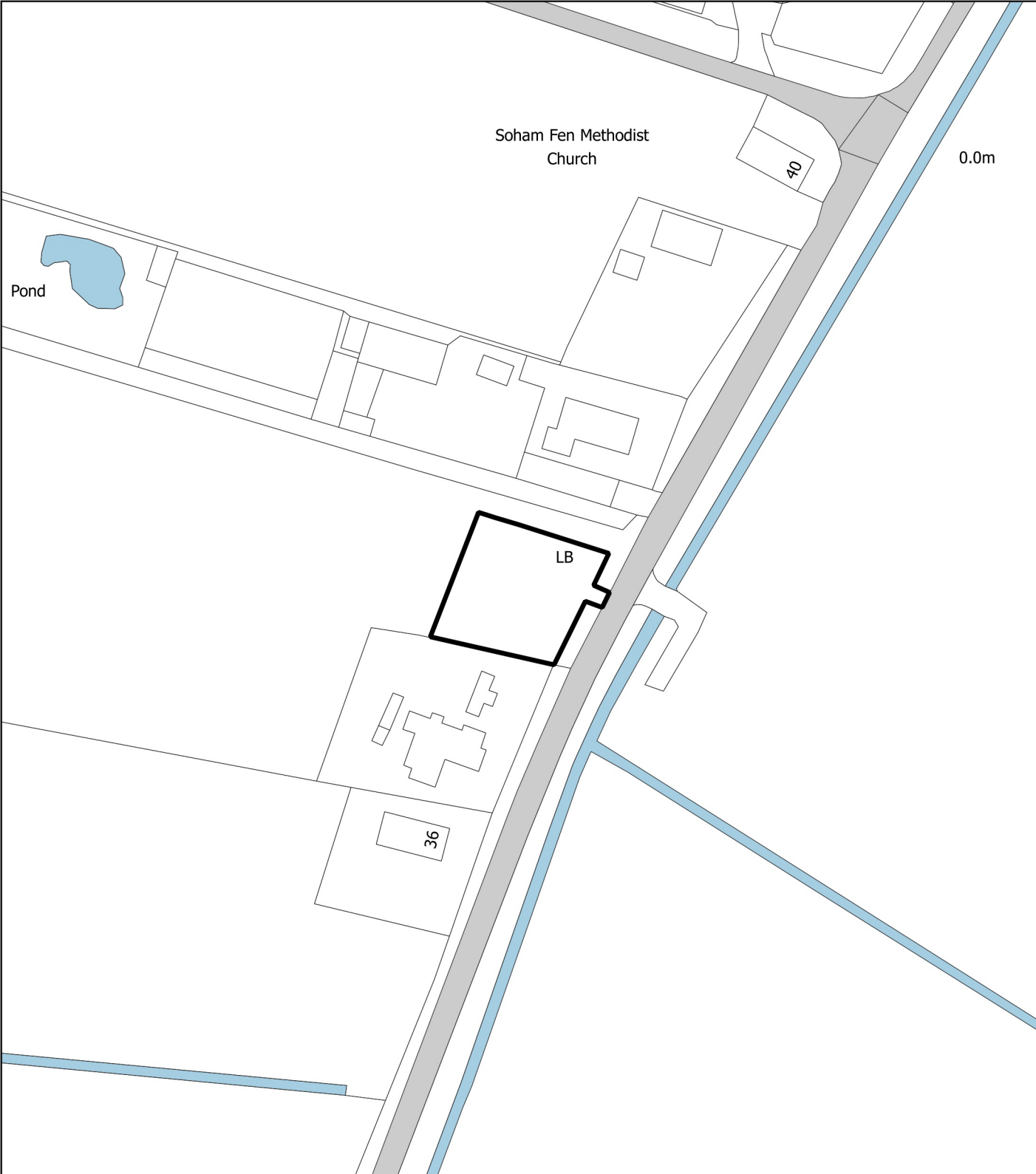
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**ECOLOGICAL SURVEYS * PROTECTED SPECIES LICENSING * MITIGATION * IMPACT ASSESSMENT
ARBORICULTURAL SITE MONITORING AND SUPERVISION * ARCHAEOLOGY
LANDSCAPE & VISUAL IMPACT ASSESSMENT * LANDSCAPE AUDIT * PROJECT MANAGEMENT
EXPERT WITNESS* LANDSCAPE DESIGN & PLANNING LANDSCAPE MANAGEMENT**



20/01486/VAR



Land Between 37 And 38
Great Fen Road
Soham

East Cambridgeshire
District Council

Date: 18/03/2021
Scale: 1:1,250



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MAIN CASE

Reference No: 20/01486/VAR

Proposal: To vary Condition 1 (Approved Plans) of previously approved 19/01229/FUL for Proposed two storey dwelling, garage, parking, access and associated works

Site Address: Land Between 37 And 38 Great Fen Road Soham
Cambridgeshire

Applicant: Mr & Mrs M Hill

Case Officer: Emma Barral Planning Officer

Parish: Soham

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

Date Received: 9 November 2020 **Expiry Date:** 14 April 2021
Report Number [V166]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE subject to the recommended conditions below.”

- 1 Approved Plans
- 2 Time Limit
- 3 Foul and Surface Water
- 4 Materials
- 5 Contamination
- 6 Construction Times
- 7 Piling Foundations
- 8 Flood Risk
- 9 Biodiversity
- 10 Access, Parking and Turning Areas
- 11 Permitted Development Rights
- 12 Permitted Development Rights

2.0 **SUMMARY OF APPLICATION**

2.1 The application submitted seeks to vary Condition 1 (Approved Plans) of previously approved 19/01229/FUL for a proposed two storey dwelling, garage, parking,

access and associated works. The proposed dwellinghouse has been repositioned within the plot and the side/rear double garage element omitted. The dwelling proposed in the current application is larger in its ground floor plan than that previously approved but is no higher being approximately 7.5 metres (24.5 feet) to its ridge and the accommodation at first floor level is reduced to the master suite only with storage and the remaining bedrooms would be located at ground floor.

2.2 The application has been called to Planning Committee by Councillor Jones for the following reason- “this decision would benefit from a wider review by the Planning committee to consider whether the continued reviewed development is detrimental to neighbours in terms of incursion of visual amenity and over development of the site”.

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/>.

3.0 PLANNING HISTORY

19/01229/FUL	Proposed two storey dwelling, garage, parking, access and associated works.	Approved	08.09.2020
17/01176/OUT	Proposed two storey dwelling, garaging, parking, access and associated works.	Approved	21.09.2017

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is currently part of an agricultural field located between two dwellings. The dwelling to the south of the site is a two storey dwelling with outbuildings. That dwelling is located on the southern side of the plot with the outbuildings located closer to the northern boundary with the application site. The dwelling to the north of the application site is a single storey bungalow. The application site is well outside the development envelope for Soham in the countryside and is within Flood Zone 3. The character of the area is largely open, flat agricultural land with sporadic housing along the western side of the Great Fen Road. The land levels of the site are well below those of the road and the frontage of the site is enclosed by native hedging.

5.0 RESPONSES FROM CONSULTTEES

5.1 A site notice was displayed near the site on 27 November 2020. In addition four neighbouring properties have been directly notified by letter. The full responses are available on the Council's web site. One response has been received raising the following summarised concerns:

The Old School- Objection (7th December 2020)- “Increased size inappropriate to size of outline plot.

- Substantially bigger than the approved build
- Size no longer appropriate to the size of the approved outline plan

- Condition number 13 of the Consented Scheme 19-01229-FUL

New Location Affecting Overlook, Light & Privacy, Change in location to the very back of the plot means that our windows will now face directly onto the walls & windows of the new house. Planning requiring the new build to be raised to a height 0.5m above the level of the road, combined with movement of the property to the back of the plot, means that the property will tower over our garden and back door substantially affecting out privacy and blocking light into both the house and garden. Amenities not shown on plans”.

The Old School- Objection (18th December 2020)- Further letter of objections relating to the size of the proposed dwellinghouse, impacts to neighbour amenity such as overlooking, loss of light and the raising of the land levels. Concerns that the dwellinghouse is inappropriate in the landscape, amenities not shown on the plans, no measurements on the plans, concerns for boundary treatments, ownership of land, concerns for future development and construction phase of development.

The Old School- Objection- (Letter by Hutchinsons dated 8th February 2021)- The FRA does not address any of the works that are on going which have raised the level of the land. It does not suggest that such works are necessary and repeats its earlier recommendation that the ground floor level should be built at 500mm above the level of Great Fen Road and with flood resilient construction up to 300mm above finished floor level. There is no reference to the overall ground levels being raised and it does not address any potential implications of those raised levels, including how it may affect our clients’ home. It also does not state that any works are required offsite although work appears to be taking place as part of the overall development. The FRA as submitted therefore does not address the current proposals and works that are being undertaken and we consider it is wholly inadequate on which to base any planning permission for the varied scheme.

With regard to the application generally, it is noted that it is accompanied by a supporting statement that states:

The proposed dwelling has been slightly repositioned to overcome concerns from the Old School House, together with hipped roofs and roofs screening the rear terrace and therefore also dealing with the concerns of overlooking, all rear fenestration looks to Ely Cathedral across the fields.

However, we would comment that the size and position of the proposed dwelling has been considerably changed and has been moved so that it is set back from the road boundary by a further 7 metres resulting in a rear garden of only 2 to 3 metres in depth. This compares with a rear garden of some 11metres for the original dwelling. Furthermore, the ground floor of the dwelling has been enlarged to such an extent that it now occupies a much greater proportion of the plot resulting in there being no room for the approved garage and no room for any private garden. The previously approved rear boundary hedge is removed in the current application and the clear implication is that it is intended to extend the plot into the adjacent field at some stage. There are no conditions requiring

either the approved hedge to be implemented and retained or for any landscaping scheme to be submitted to and approved by the Local Planning Authority and subsequently implemented and retained in situ.

The applicants have stated that this '*slight*' repositioning is to overcome the concerns from the Old School House. However, we would advise that the repositioning and enlargement of the dwelling does not overcome the concerns of our clients but instead makes the position worse. The Old School House has a large number of windows on its northern elevation facing directly onto the application site. The position of the original approved dwelling (19/01229/FUL) located at the front of the plot meant that the new building would be largely screened by an existing outbuilding and vegetation, even when the ground floor level of the new house was built up. In contrast, the current proposal which is positioned at the rear of the plot occupies a far greater area of the site. Its design and size results in a greater bulk and massing and it will be considerably more visually intrusive and bulky. The introduction of a one and a half storey dwelling in contrast to the approved two storey dwelling does not reduce the overall bulk of the dwelling because of the greatly extended footprint.

Mr and Mrs Palmer raised concern about the raised height of the dwelling arising from the recommendations of the FRA and which is also a requirement of Condition 8. We also raised this concern in our email to Ms Barral of 15 January 2021. The level of the site is shown on the approved plans to be 99.8m and Great Fen Road to be 101.4m (101.756 within the middle of the roadway). As a consequence, the requirement for the ground floor of the dwelling to be raised 500mm above the level of Great Fen Road (Condition 8) would result in the ground floor of the approved dwelling needing to be raised above ground level by between 2.1m and 2.4m in order to comply with the condition. As the finished floor level was shown to be 102.300, the floor level will be raised some 2.5m above the original levels of the site. It is noted that the new dwelling is to have a ridge height similar to the consented two storey dwelling (7.6 metres). As a consequence, the overall height of both the approved and proposed dwelling will be over 10metres. This is not shown on the submitted plans. Indeed the application is silent on this matter and no sections or finished levels are provided which would allow proper consideration of the proposals.

Furthermore, those measurements were also based on a dwelling with a ground floor area of 130sqm compared with the current dwelling of some 220sqm ground floor area. The mass of the current proposed dwelling will be considerable in these circumstances. The proposals clearly represent over-development and will result in a dwelling being built that is visually bulky and intrusive. No plans have been submitted to show the full impact of this dwelling and we consider that it cannot be determined as a variation to the earlier application. No details of the garage are provided and we would contend that a garage cannot be built within the application site if the proposed dwelling is built. This would not be in accordance with the planning permission.

The applicants have stated that the application should be considered acceptable in terms of visual amenity but have not shown how that can be the case. Indeed we consider that the reverse is true. We consider that there are too many irregularities and unexplained issues with the submitted scheme. The scheme is unacceptable

and will have unacceptable adverse impacts upon the amenities of Old School House, upon the general street scene and amenities of Great Fen Road as well as upon the character of the surrounding countryside, contrary to Policies GROWTH 2 and ENV2 and the National Planning Policy Framework.”

Consultee For Other Wards In Parish - No Comments Received

Local Highways Authority - No Comments Received

CCC Growth & Development - No Comments Received

Environmental Health - 13 November 2020- “I have no comments that I wish to make at this time”.

Waste Strategy (ECDC) - No Comments Received

Environment Agency - 18 November 2020- “We are returning this planning application consultation without comment because it is not clear why we have been consulted”.

Environment Agency - 27 January 2021- “Thank you for your email. We have no comment to make on this application”.

Environment Agency- 19 February 2021- “Our Fenland breach mapping indicates that the site could flood to a depth of up to 0.5m in the event of a breach of the Ely Ouse flood defences.

We consider that the proposed mitigation measure of raising finished floor levels up to 500mm above Great Fen Road level will minimise the risk of internal flooding in the event of a breach.

We have no objection to the variation of condition 1 to include ground floor bedrooms providing safe refuge is available at first floor level”.

The Ely Group Of Internal Drainage Board - 23 November 2020- “This application for development is within the Middle Fen and Mere Internal Drainage Board. The Board has no comments to make from a drainage point of view”.

Soham Parish Council- 2 December 2020- No comments or objections

Soham Parish Council - 3 February 2021- “No concerns”.

Ward Councillors - 29 December 2020- (Councillor Jones)- “With regard to our conversation on Christmas Eve, I feel this decision would benefit from a wider review by the Planning committee to consider whether the continued reviewed development is detrimental to neighbours in terms of incursion of visual amenity and over development of the site. Therefore can you please accept this email as my request to call in the planning application 20/01486 for the land on Gt Fen road”.

Building Control - East Cambridgeshire District Council - 18 January 2021- “The site plan details that it is proposed to utilise conventional soakaways on this

development which is satisfactory. There is however no detail of size etc. in relation to roof area but this can be resolved on site once work has commenced”.

6.0 The Planning Policy Context

East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV4	Climate change
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 13	Local register of buildings
ENV14	Sites of archaeological interest
HOU 2	Housing density
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development

Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide
Flood and Water
Contamination
Natural Environment
Climate Change

National Planning Policy Framework 2019

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
16	Conserving and enhancing the historic environment

7.0 PLANNING COMMENTS

7.1 The main planning considerations relate to the principle of development, the impact upon character and appearance of the area, residential amenity, highways safety and parking provision, flood risk, drainage, climate change and biodiversity. It is noted that since the approval of LPA Ref 19/01229/FUL the proposed dwellinghouse has been repositioned within the plot and the side/rear double garage element omitted. The dwelling proposed in the current application is larger in its ground floor plan than that previously approved but is no higher being approximately 7.5 metres (24.5 feet) to its

ridge and the accommodation at first floor level is reduced to the master suite only with storage and the remaining bedrooms would be located at ground floor.

7.2 Principle of Development

7.3 The application site is located outside the development envelope of Soham. Since April 2020 the Council has been able to demonstrate an adequate 5 Year Housing Land Supply, as demonstrated first in its *Five Year Land Supply Report - 1 April 2019 to 31 March 2024* (published April 2020) and later in its updated *Five Year Land Supply Report - 1 April 2020 to 31 March 2025* (published December 2020). The latter report confirmed that from 1 January 2021 the Council had a 6.14 year supply of deliverable housing land. That calculation included a 20% buffer as required by paragraph 73 of the NPPF based on a 2019 Housing Delivery Test (HDT) result of 66%.

7.4 The 2020 HDT result (published in January 2021) indicates that housing delivery in the district has improved to 87%. As a result of the HDT exceeding 85%, the appropriate paragraph 73 buffer falls to 5% which has the effect of increasing the Council's housing land supply to 7.01 years. This adequate housing land supply means that the Council considers its policies relating to housing delivery up-to-date and gives them full weight in the determination of this application.

7.5 The principle of development was established under LPA Ref 17/01176/OUT and 19/01229/FUL and is considered to be acceptable in principle given that a dwelling could be constructed under planning permission 19/01229/FUL.

7.6 Visual Amenity

7.7 Policy ENV2 of the East Cambridgeshire Local Plan 2015 makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.

7.8 The outline permission under LPA Ref 17/01176/OUT included approval of the scale of the dwellinghouse which was restricted to the footprint shown on the approved drawing and an overall height of no more than 8 metres (26 feet) above the finished raised land levels. The dwelling proposed under LPA Ref 19/01229/FUL was larger in plan form than that approved being a double fronted, two storey house but was 7.5 metres (24.5 feet) to its ridge. The details regarding land level changes are covered below in the drainage section.

7.9 The Officers Report for LPA Ref 19/01229/FUL stated that "Concern has been expressed by one neighbour with regard to the raising of the land levels proposed in this application, however a similar raising of land levels (300mm (1 foot) above the level of the road as opposed to the 500mm (1.6 foot) proposed in the current application) was permitted in the extant permission and it is not considered that the additional 200mm (0.6 foot) would have any significant impact either visually, in terms of its impact on the neighbouring property or on drainage". Therefore, the additional 500mm (1.6 foot) above road level was approved as part of the previous application under LPA Ref 19/01229/FUL.

- 7.10 The dwelling proposed in the current application is larger in its ground floor plan than that previously approved but is no higher being approximately 7.5 metres (24.5 feet) to its ridge with the addition of 0.5 metres (1.6 foot) above ground level of Great Fen Road (same as previous approval) and the accommodation at first floor level is reduced to the master suite only with storage and the remaining bedrooms would be located at ground floor. The overall height would therefore not increase through the current application, just the location of the proposed dwellinghouse in the plot and the design of the dwellinghouse.
- 7.11 The height of the proposed dwellinghouse would be greater than the dwellinghouse to the north which is a bungalow, however the dwellinghouse to the south is a two storey dwellinghouse and therefore the proposed dwellinghouse would not appear out of keeping with development in the immediate vicinity. It would be slightly closer in location to the neighbouring properties to the north, however the variation in location and design of the dwelling would not appear visually discordant or result in significant harm to visual amenity given the extent of build form already approved.
- 7.12 The amended design and siting of the dwelling is considered acceptable, particularly as there is no overarching architectural style of dwellings in the surrounding area. Given the countryside location of the site and the fact that the dwellinghouse has increased in size to what is considered to be the most the plot can support, a condition would also be added removing permitted development rights for extensions and outbuildings to ensure no harm to the amenity of the area by uncontrolled additions in the future.
- 7.13 The submitted plans show that the proposed materials of construction would be natural slate roof, Stamford stone and timber sash windows and doors. Details are required to ensure that the appearance of the proposed dwellinghouse assimilates into the rural setting and surrounding area.
- 7.14 It is therefore considered that the proposed development is acceptable in terms of its impact on visual amenity in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7.15 Residential Amenity
- 7.16 Policy ENV2 requires new development proposals to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.17 Furthermore, the East Cambridgeshire Design Guide SPD states that the following will apply to development:
- In most cases, building plots should be approximately 300 square metres;
 - The footprint of any proposed development should be no more than approximately one third of the plot size;

- In most cases, rear private amenity space should be a minimum of 50 square metres;
- The distance between rear inter-visible windows should be a minimum of 20 metres; This will require the rear elevation of any dwelling to be located at least 10 metres from the rear boundary (proposed bedroom two has no window).

- 7.18 It is considered that the amended proposed dwelling is of a scale and distance from neighbouring dwellings which means that they would not result in any significant loss of light, overshadowing or visual intrusion to those neighbouring properties.
- 7.19 Two first floor rooflights would face the neighbours to the north (37a and 38 Great Fen Road) serving the landing void and the dressing room off the master bedroom. Any such overlooking would be at oblique angles and is not considered likely to result in any significant loss of privacy. It is not considered that these should be fitted with obscure glazing given the distances retained to the neighbouring dwellinghouse to the north. There is a gap of 23 metres (75 foot) retain between the flank walls and 17 metres (55 foot) to the common boundary. The ground floor window to serve the ensuite would be obscure glazed as shown on the submitted drawings. The proposed north facing windows to serve the utility room and roof light to serve bedroom 4 are not considered to result in significant harm by way of overlooking or similar.
- 7.20 Several windows would also face south, facing 37 Great Fen Road however a distance of 25 metres (82 foot) is retained to this neighbouring dwellinghouse and 8 metres (26 foot) to the common boundary and as such it is not considered that any significant harmful overlooking would occur. Moreover, the ensuite to serve bedroom three would be fitted with obscure glazing as shown on the proposed floorplans.
- 7.21 While third party comments are noted, a substantial amount of build form at already been approved at the application site under LPA Ref 17/01176/OUT and 19/01229/FUL. Moreover, the Agent statement has suggested that the amendments are to improve the relationship with Old School House to the north. The hipped roofs to the rear would screen the rear terrace area. While the dwellinghouse has moved within the plot, given the proposed dwellinghouse is no higher in overall height, the proposed dwellinghouse is not considered to result in any harm by way of overbearing, loss of outlook or overshadowing given the distances retained to the dwellinghouses to the north and to the south of the application plot. On balance it is considered that some harm to the neighbouring dwellings would not warrant an objection to the amended dwellinghouse.
- 7.22 The plot size (approximately 720sqm, 0.17 acres) and the private garden area (approximately 150sqm, 0.03 acres) are both in excess of the minimum requirements of the Council's Design Guide and would provide sufficient amenity for residents of the proposed dwelling. While the depth of the rear garden space is limited, there is private amenity space to the side of the dwellinghouse.
- 7.23 Given the neighbouring properties to either side, it is considered necessary to control the hours of construction of the property as well as requiring a piling statement where piling is required in order to ensure an acceptable impact in terms of noise and disturbance to neighbouring occupiers.

- 7.24 It is therefore considered that the proposed development could be accommodated on the site without causing any significant harm to the residential amenity of occupiers of nearby residential properties and providing adequate amenity to future occupiers in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7.25 Highway safety and parking
- 7.26 Local Plan Policy COM8 states that a dwelling should have parking provision for two motor vehicles on the site for the proposed dwellinghouse. In addition, enough space should be provided for vehicles to park and manoeuvre. While the current scheme does not propose a garage there is considered to be sufficient space for parking two vehicles in the front driveway.
- 7.27 The dwelling would be accessed off Great Fen Road via a vehicle access as consented in LPA Ref 19/01229/FUL. Conditions would be applied to the permission requiring the laying out and retention of the access, parking and turning areas and the restriction of gates within 6 metres (19 feet) of the highway.
- 7.28 It is therefore considered that the proposed development would not create any significant detrimental impacts upon highway safety or parking, in accordance with Policies COM7 and COM8 of the Local Plan 2015. The proposal is considered to be compliant with policy COM7 of the Local Plan 2015, as it provides safe and convenient access to the highway network, and Chapter 9 of the NPPF which promotes sustainable transport. Additionally, the application is considered to comply with policy COM8 as it is considered appropriate off street parking provision could be provided for the proposed dwelling.
- 7.29 Ecology
- 7.30 Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175(d) advise that opportunities to incorporate biodiversity improvements should be encouraged, stating that development should be supported where the primary objective is to conserve or enhance biodiversity. Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals, seeking to deliver a net gain in biodiversity proportionate to the scale of development. The Council adopted its Natural Environment SPD on the 24th September 2020 to help make sure new development in East Cambridgeshire both protects the current natural environment, but also creates new areas for wildlife to thrive.
- 7.31 The site is an agricultural field and it is not considered that the development of the site would cause any significant harm to biodiversity in the area. A condition could be appended to the grant of planning permission requiring biodiversity enhancements to be provided as part of the development and, subject to these details being agreed with the Local Planning Authority, it is considered that the proposal complies with policy ENV7 of the East Cambridgeshire Local Plan 2015.

7.32 Drainage and Flooding

- 7.33 The proposed dwelling is within Flood Zone 3 and, as such, a Flood Risk Assessment (FRA) has been submitted with the proposal which was originally the same as the document provided for LPA Ref 19/01229/FUL. However, during the course of the application the FRA was updated to reflect the new design and location of the proposed dwellinghouse and new version is dated January 2021. The amended submitted FRA gave the following recommendations-
- The proposed development is not in a Functional Floodplain. It is located in the Passive floodplain of the River Lark and River Ely Ouse and within a defended Flood Zone 3 but should be considered in Flood Zone1.
 - Although the site is located within a Internal Drainage Board catchment with a minimum standard of drainage of 1 in 50 years, this accords with Defra guidelines for rural development. Freeboard of 900mm to lowest land level is available for events greater than 1 in 50 years providing further storage within the drainage channels.
 - Ground floor level will be raised to 500mm above Great Fen Road level with flood resilient construction up to 300mm (1 foot) above finished floor level and safe refuge at first floor level.
 - Surface water drainage from the development will be by rainwater harvesting and soakaway drainage to BRE365 design and Building Regulations approval.
- 7.34 The proposed dwelling is not considered to have any greater susceptibility to or increased risk of flooding than the approved dwelling on site. The amended submitted FRA details that finished floor levels will be set 500mm (1.6 feet) above the level of the road and that flood resilient construction methods will be used for the first 300mm (1 foot) above finished floor levels which is the same as the summary given for the FRA submitted under LPA Ref 19/01229/FUL. Accordingly the submitted plans show the ground floor levels being raised by 500mm (1.6 foot) above ground floor level as defined by the road level of Great Fen Road.
- 7.35 Given the third party interest, Officers sought clear advise from the Environment Agency on the amended submitted FRA, particularly given that the majority of the bedrooms are now located at ground floor. The Environment Agency commented that “we consider that the proposed mitigation measure of raising finished floor levels up to 500mm (1.6 foot) above Great Fen Road level will minimise the risk of internal flooding in the event of a breach. We have no objection to the variation of condition 1 to include ground floor bedrooms providing safe refuge is available at first floor level”. On that basis, the proposed development is considered acceptable in terms of its susceptibility to flooding.
- 7.36 The application includes details of surface water layout on the submitted drawings. The Building Control Team have reviewed these details and have commented that “The site plan details that it is proposed to utilise conventional soakaways on this development which is satisfactory. There is however no detail of size etc. in relation to roof area but this can be resolved on site once work has commenced”. Therefore, the application does not contain significant details of the provision of foul and surface water drainage arrangements and while it is considered that there

is no obvious impediment to the provision of foul drainage, these details would be required by condition.

7.37 The proposed development is therefore considered to be acceptable in terms of its impact on flood risk and drainage and accords with the requirements of Policy ENV 8 of the East Cambridgeshire Local Plan 2015 which seeks to ensure that all development proposals should ensure to minimise flood risk.

7.38 An additional plan has been requested by the developer showing existing and proposed cross sections of the site. Once provided this will be shown as part of the presentation to members.

7.39 Climate Change

7.40 East Cambridgeshire District Council (ECDC) declared a Climate Emergency at its Full Council meeting on 17 October 2019. ECDC has joined over 200 Councils around the UK in declaring such an emergency. In declaring a Climate Emergency, the Council committed to producing an Environment Plan, which it subsequently did so (adopted June 2020). One action within that Plan was to prepare a Climate Change Supplementary Planning Document (SPD). The SPD has become a material consideration for the purpose of determining planning applications. The agent was invited to address the Climate change SPD that requests applicants may wish to look at minimising demand through design and maximising energy efficiency. The agent was informed of the requirements in the SPD and they submitted a sustainability statement on the 19th March 2021 which outlines their design approach and construction ideology. On review of the details submitted it is considered that the proposed development complies with the requirements of policy ENV4 of the Local Plan 2015 and the Climate Change SPD.

7.41 Other Matters

7.42 The comments given by the Case Officer under LPA Ref 19/01229/FUL are repeated for ease. "Concern has also been raised regarding the stability of the raised land levels which, at the time of writing, are being undertaken. However the stability of the raised levels is not directly a planning matter and is one which would be addressed at Building Control stage. It is not considered that there is any impediment to safely raising the land levels to the required level and the proposed development is therefore considered acceptable in that regard".

7.43 Planning Balance

7.44 The granting of a planning permission for the residential development, as proposed at this location is deemed compliant with the policies shown above, principally Local Plan Policies GROWTH 2 and GROWTH 5. The development can be undertaken without detriment to the residential amenities of neighbouring occupiers and without having an adverse impact upon either the character of the village or surrounding area and streetscene. Adequate surface water drainage measures can be made subject to condition and access to the highways network/parking provision is acceptable. The proposal is therefore recommended for approval.

8.0 APPENDICES

8.2 Appendix 1 – Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/01486/VAR	Emma Barral Room No. 011 The Grange	Emma Barral Planning Officer 01353 665555
19/01229/FUL	Ely	emma.barral@eastc ambs.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 - 20/01486/VAR Conditions

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

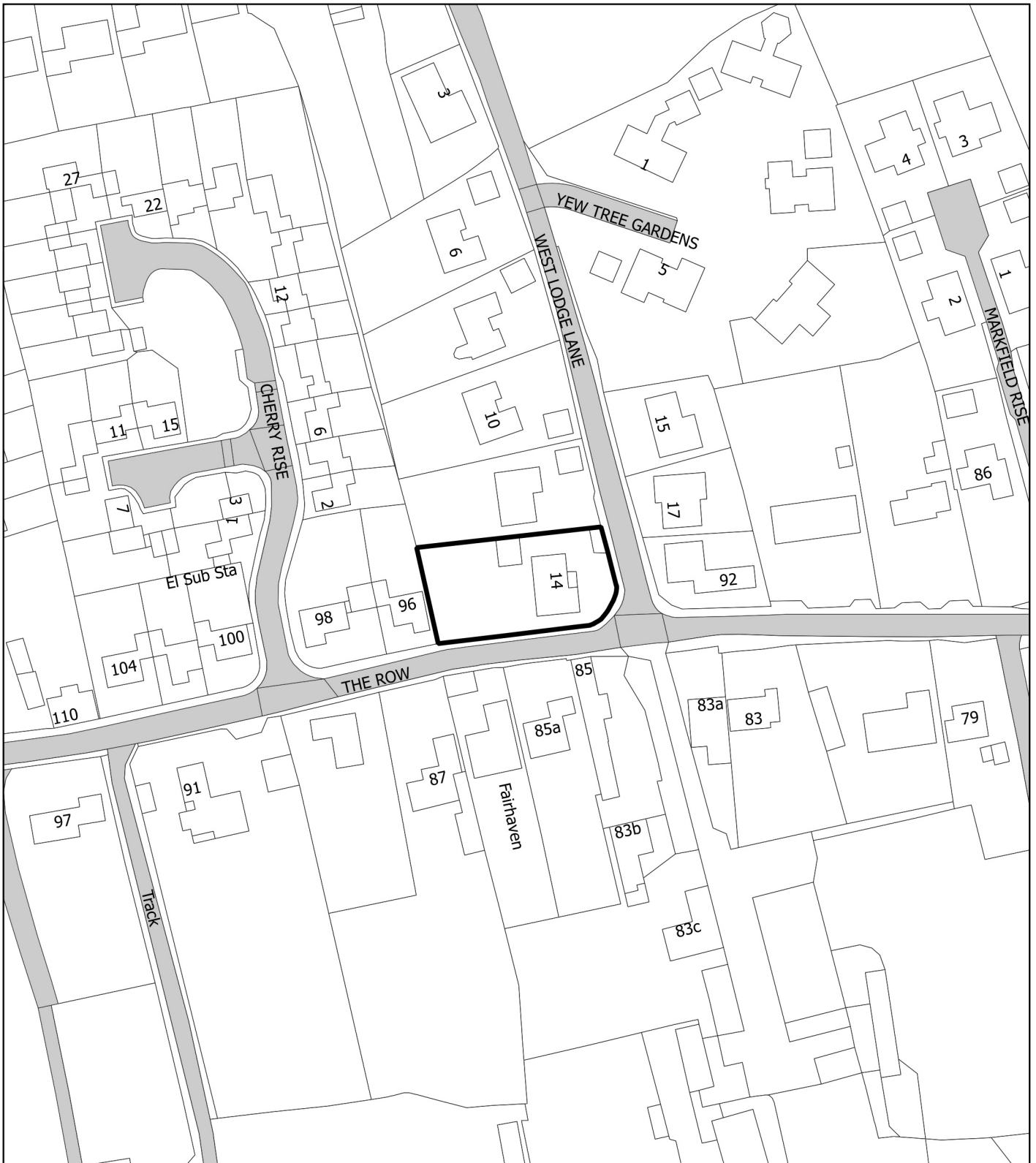
Plan Reference	Version No	Date Received
L(PL)GR_01		9th November 2020
L(PL)GR_02		9th November 2020
L(PL)GR_03		9th November 2020
L(PL)GR_04		9th November 2020
L(PL)GR_05		9th November 2020
L(PL)GR_06		9th November 2020

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of the decision notice for LPA Ref 19/01229/FUL which is the 8th September 2020.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the first occupation of the dwelling.
- 3 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.
- 4 No above ground construction shall take place on site until details of the external materials to be used on the development and details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Development 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 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.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

- 6 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 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.
- 7 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.
- 8 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2021 prepared by Geoff Beel Consultancy and the following mitigation measures detailed within that FRA:
 - Ground floor levels to be set 500mm above the level of Great Fen Road; and,
 - Flood resilient construction to be used up to 300mm above finished floor level and safe refuge at first floor level.
- 8 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 9 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.
- 9 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environments SPD.
- 10 Prior to first occupation of the development, the access, parking and turning areas shown on approved plan L(PL)GR_01 shall be fully laid out and constructed to drain on site. No unbound material shall be used in the surfacing within 6 metres of the adopted public highway. Thereafter the areas shall be retained for the specific purpose of the parking and turning of vehicles.
- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 11 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access (as shown on approved drawing L(PL)GR_01 within 6 metres of the adopted public highway.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A, B, C and E of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



20/01544/FUL

14 West Lodge Lane
Sutton



East Cambridgeshire
District Council

Date: 18/03/2021
Scale: 1:1,250



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MAIN CASE

Reference No: 20/01544/FUL

Proposal: First floor extension and ground floor battery store

Site Address: 14 West Lodge Lane Sutton Ely Cambridgeshire CB6 2NX

Applicant: Mr Karl Hogg

Case Officer: Gemma Driver Planning Officer

Parish: Sutton

Ward: Sutton
 Ward Councillor/s: Lorna Dupré
 Mark Inskip

Date Received: 21 December 2020 **Expiry Date:** 14 April 2021
Report Number [V167]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE this application for the following reason:
- 1.2 The proposed first floor rear extension would cause significant and demonstrable harm to the visual amenity of the host dwelling and character of the surrounding area, by virtue of its bulk and materials being overly prominent on a corner position within the street scene. Furthermore, the proposal would fail to visually protect or enhance the character and appearance of the surrounding area. Therefore, the proposal would be contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, and the Council’s Design Guide SPD, which seeks new development to relate sympathetically to the surrounding area through appropriate form, massing and materials.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks consent to construct a first-floor rear extension above the existing single storey element at no.14 West Lodge Lane, together with a single storey battery store to the South of the dwelling. The first-floor element would also include the installation of solar panels on the side (south) elevation and further solar panels on the existing roof slope on the same side.

- 2.2 The first-floor rear extension would measure 5 metres (16 ft) in depth and 4.5 metres (14.8 ft) in width. The extension would sit on top of an existing extension (permitted under application reference no. 17/00167/FUL). Due to the extension being proposed on top of the existing single storey form, the overall height would measure 7.5 metres (24.6ft) to the ridge. The eaves height would measure 5.4 metres (17.7 ft). The extension would introduce two windows to the rear elevation and one window to the South elevation.
- 2.3 The application also proposed a single storey extension to the South elevation to form a battery store to facilitate the proposed solar panels. This element would measure 1.8 metres (5.9ft) in width by 2.8 metres (9.2ft) in depth. The single storey extension would have a mono-pitched roof measuring 3.4 metres (11.2ft) to the highest point and 2.3 metres (7.5ft) to the lowest point.
- 2.4 Both elements of the proposal would be constructed using hardiplank cladding in Blue Grey to match the colour of the existing single storey. The roof would have concrete tiles to match the host dwelling.
- 2.5 The application was called into planning committee by Cllr Dupré for the following reason:
- 2.6 *“The Case Officer is minded to refuse this application on the grounds of visual amenity and its prominence in the surrounding of The Row, Sutton.*
- 2.7 *The Alternative offered by the case officer is to propose a smaller and less visually dominant extension to the first floor in a different colour to that on the existing extension, with a corresponding change in the colour of the existing ground floor HardiePlank cladding to match.*
- 2.8 *This alternative would require the effective dismantle and rebuilding of the existing permitted ground floor extension in order to achieve structural soundness.*
- 2.9 *It is unfortunate that neighbours in The Row facing the site were not initially consulted by the Council. The applicant has now spoken with the two neighbours most visually affected, sought their feedback and supplied them with contact details for the case officer so that they could comment on the application.*
- 2.10 *One neighbour has now commented, not objecting but wanted concerns addressed about overlooking from the side window of the proposed extension, and the appearance of the solar panels on the roof.*
- 2.11 *In view of the above, I feel it would be right for the Planning Committee to be asked: to determine the appropriateness of the application in terms of size and colour and whether the alternative suggested by the case officer is proportionate in its demands of the applicant’s already consent ground floor extension; and to consider whether obscure glazing should be conditioned for the overlooking window in order to address neighbour concern.”*
- 2.12 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online

service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

92/00164/FUL	Erection of a Detached House & Garage	Approved	07.04.1992
17/00167/FUL	Single storey extension	Approved	14.03.2017

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises a detached dwelling located in Sutton. The site is located within the development envelope and in an established residential area. The principal elevation of the dwelling is set back into the plot with a large driveway. The dwelling is located on West Lodge Lane, but due to its corner siting is highly visible along The Row. There is also a slight difference in ground levels from West Lodge Lane and The Row. West Lodge Lane increases in ground level from The Row as it approaches the High Street at the top of West Lodge Lane. The street scene is comprised of detached dwellings, all of which vary in style and design along both The Row and West Lodge Lane.

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 Council - 27 January 2021

Sutton Parish council have no comments - ECDC to determine

Ward Councillors - No Comments Received

5.2 A site notice was displayed near the site on 18 January 2021.

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

- Concerns of the side window which would look directly into no.85a The Row;
- Concerns over what the proposal solar panels will look like as there are no other properties in view with solar panels on.

6.0 The Planning Policy Context

6.1 **East Cambridgeshire Local Plan 2015**

ENV 1 Landscape and settlement character

ENV 2	Design
ENV4	Energy and water efficiency and renewable energy in construction

6.2 **Supplementary Planning Documents**

Design Guide
Climate Change

6.3 **National Planning Policy Framework 2019**

12 Achieving well-designed places

6.4 **Sutton Neighbourhood Plan**

NP3

7.0 PLANNING COMMENTS

7.1 The main considerations in determining this application are the impact on the character of the area, the impact on residential amenity and climate change and sustainability.

7.2 **Impact on the Character of the Area and Visual Amenity**

7.2.1 The site is within the development envelope, where in principle terms, extensions to residential properties are considered acceptable subject to compliance with the relevant planning policies plus all other material planning considerations that form part of the planning balance for this application.

7.2.2 Policy ENV1 of the Local Plan states that development proposals should ensure that location, scale, form, design, materials and colour create positive, complementary relationships with existing development.

7.2.3 Policy ENV2 of the Local Plan states that design which fails to have regard to local context, including architectural traditions and does not take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable and planning applications will be refused. The policy also expects all new development to ensure that the scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other.

7.2.4 The Council's Design Guide, SPD states that the form and proportions of the original dwelling will determine the extent to which it can be extended. Furthermore, it requires the original building to be clearly legible and pre-dominant following an extension. Any extension will need to be subservient to the existing dwelling.

7.2.5 The proposal consists of two main elements, a first-floor extension to the rear of the dwelling and a single storey extension to the South of the dwelling. The proposal would also include the installation of solar panels on the southern facing roof slopes.

- 7.2.6 The first-floor extension would sit above an existing single storey extension that was permitted under application reference no. 17/00176/FUL. The first-floor rear extension would measure 5 metres (16 ft) in depth and 4.5 metres (14.8 ft) in width. The extension would have a pitched roof that would measure 7.5 metres (24.6ft) to the ridge. The eaves height would measure 5.4 metres (17.7 ft). The first-floor element also proposes solar panels on the southern roof slope, which would be flush against the roof slope. Further solar panels are also proposed on the existing roof slope on the property.
- 7.2.7 Due to the siting of the dwelling within the plot, the rear of the dwelling is exposed to the street scene of The Row. Views of the existing single storey are visible from The Row. Therefore, it is considered that the first-floor element would be highly visible within the street scene of The Row due to the increase in massing and height.
- 7.2.8 As a result of the proposed extension, the span of the dwelling, would increase and would result in an overall addition of mass to the rear that would be largely prominent and dominate these views. It is considered that due to the mass, the dwelling would result in an overbearing and prominent building and would be intrusive and would not relate sympathetically to the character of the existing street scene, therefore resulting in a significant detriment to the appearance of the area.
- 7.2.9 In addition to the mass and bulk, there are concerns relating to the proposed materials. It is acknowledged that the introduction of the blue hardieplank cladding was acceptable for the single storey element approved under Ref: 17/00167/FUL. However, this single storey element does not appear as prominent within the street scene. The Local Planning Authority determines each application on its own merits, and it is considered that the cumulative impact of introducing this material at first floor in addition to the single storey would emphasise its prominence within the street scene, making it 'stand out' within the locality.
- 7.2.10 The cladding is not a particularly distinctive type of material in the locality, although accepted that the single storey element is constructed using hardieplank cladding. However, as already mentioned, the single storey extension is not prominent and does not draw attention to it. By virtue of introducing the cladding at first-floor level, and in a colour that is not considered to be complementary to the host dwelling, nor the surrounding area, this external finish is not supported and is not considered to comply with Policy ENV2 of the Local Plan which seeks to ensure that new developments ensure that the colour of buildings relate sympathetically to the surrounding area.
- 7.2.11 Whilst explaining the Local Planning Authority's concerns to the agent and applicant, we offered them an opportunity to review the materials for the extension and it was suggested that a softer and subtler colour could reduce this impact upon the street scene and lessen the visual prominence of the extension. However, we advised that we still had concerns in relation to the mass and bulk of the extension. In further discussions with the applicant and the agent, it was also suggested to scale-down the first-floor element in order to break up the bulk and the massing. The agent confirmed that the applicant could not accept this and that, structurally, it would be difficult to reduce the depth. As no amended plans were submitted, the Local Planning Authority were unable to advise on the likelihood of an alternative being supported.

- 7.2.12 The proposed single storey battery store proposed to the South is considered acceptable due to the single storey nature and discrete location of this element and therefore would not have a significant impact on the character or visual amenity of the area.
- 7.2.13 The comments received regarding the concerns of the proposed solar panels have been noted. The sustainability statement submitted, states that the solar panel would be flush to the roof slope, and therefore would not project any higher from the roof slope. No specific plans have been submitted showing this, however, it is considered that these elements are acceptable from a visual amenity point of view. It is considered that further details of the proposed solar panels could be secured by condition if planning permission was granted.
- 7.2.14 It is considered that the first-floor extension would add an unacceptable level of additional bulk that would be visually intrusive, creating a form that is uncharacteristic of this part of The Row. The corner position of the site means that any development at first floor level would be prominent and highly visible. The proposal therefore fails to respect the character and form of the neighbourhood by virtue of the massing and bulk. It is therefore considered that the proposal would be contrary to Policies ENV1 and ENV2 of the Local Plan 2015 which seek to preserve the character and appearance of the area, and contrary to the Design Guide SPD.

7.3 Residential Amenity

- 7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.3.2 Policy NP3 of the Sutton Neighbourhood Plan states that sustainable development proposals within the development envelope will be supported in principle subject to being of an appropriate scale and not having an unacceptable impact on the amenity of residents.
- 7.3.3 The proposed first floor extension would be located to the rear of the host dwelling and the single storey extension to the Southern side of the host dwelling.
- 7.3.4 It is noted that the extension would result in an increase in built form at first floor level and the application does include the provision of two windows to the rear elevation and one window to the Southern elevation.
- 7.3.5 The introduction of the proposed windows has been acknowledged, however the existing dwelling already benefits from windows in both of these elevations. It is noted that the proposed extension would be bringing these openings closer to neighbouring dwelling to the rear no.96 The Row. However, a separation distance of approximately 17 metres (55.8ft) would be in place between the proposed openings and this neighbouring dwelling due to the large amenity space of the host dwelling.
- 7.3.6 Comments from no.85a The Row and Cllr Dupré raised concerns with regards to the proposed window on the South elevation increasing levels of overlooking towards no.85a The Row. It is considered that due to no. 85a The Row being

separated from the application site by a highway, the impact of this window has been lessened. A separation distance of approximately 9.5 metres (31.2ft) would be in place between the proposed opening and the boundary of no.85a and a separation distance of approximately 19 metres (62.3ft) would be in place from the proposed opening and the principle elevation of no.85a. It is therefore considered that chances of overlooking from the introduction of this opening would be minimal.

- 7.3.7 The proposed single storey battery store, due to its size and location, is not considered to cause significantly detrimental impacts to neighbouring dwellings and is acceptable.
- 7.3.8 Cllr Dupré raised concerns with regards to properties along The Row not being directly notified by letter. In relation to the process of notifications of householder applications, the Local Planning Authority are only obliged to notify those neighbours who abut the site only i.e. those that are touching the red line on the location plan. However, a site notice was also erected on the telegraph pole located on The Row which would have informed those residents who do not live directly near the site. The Local Planning Authority would only send notifications to those neighbours along The Row if it was considered that the proposal would directly affect them. Following the case officer's site visit, it was considered that due to the separation distances and the site notice posted nearby, notification by letter of further properties would not be necessary. It is therefore considered that the Local Planning Authority have consulted with all those directly affected in accordance with the protocol, and have exceeded our obligation by posting a site notice.
- 7.3.9 It is considered that the proposed development would not result in any significantly detrimental effects on the residential amenity of nearby occupiers and therefore complies with Policy ENV2 of the East Cambridgeshire Local Plan, 2015.

7.4 Climate Change & Sustainability

- 7.4.1 Policy CC1 of the Council's Climate Change SPD is relevant and supports Policy ENV4 of the Local Plan in which it seeks applicants to demonstrate how they have considered maximising all aspects of sustainable design and construction.
- 7.4.2 The applicant was invited to submit sustainability details in accordance with the Climate Change SPD. The applicant has advised the following:
- 7.4.3 *"I am very interested in the environmental impact of our proposed extension, and welcome the opportunity to comment on that aspect of our plans.*
- 7.4.4 *I have already commissioned a structural engineer report to design a timber frame that uses the existing structure of the existing ground floor to fully support the proposed first floor extension. This negates the need for any additional structural steels or alterations to the current building or its foundations. The design brief was to reduce the deconstruction of the existing ground floor as much as possible. This in turn reduces the need for construction materials, by using what is already in place. This has been achieved very successfully with none of the existing construction materials being sent for landfill.*

- 7.4.5 *The timber frame studs are 50mm wider than standard 100mm studs. This will allow for a corresponding increase in wall insulation. Timber frame construction is by design more thermally efficient than conventional brick and block. The additional 50mm of insulation will take the building well beyond the required U value required by the building regulations.*
- 7.4.6 *The plan is to use the same exterior cement board cladding. I have a number of surplus boards left over from the earlier extension. Being able to clad the extension in the same material and colour will allow me to use these surplus boards and reduce to need to purchase additional boards. Your request to change the colour of the boards will require all of the existing boards to be sent to landfill replaced with boards of a different colour. This would have a significant negative environmental impact on the overall proposal.*
- 7.4.7 *Timber frame construction is a dry construction method and therefore the use of water in the construction phase is almost zero, just a few litres for the plaster skim.*
- 7.4.8 *The plans include the installation of solar panels and corresponding battery storage. I intend to install panels that fit flush with the existing roof tiles, not mounted on top of the tiles. This will require the removal of any exiting tiles under the footprint of the panels. I intend to re-use these, to tile the majority of the planned pitch roof extension. Again, the re-using of materials reduces the environmental impact of the building. The house is all electric, the installation of the solar panels and battery storage will make the building close to self-sufficient for its energy needs in the future.*
- 7.4.9 *With the planned first floor extension sitting directly above the current ground floor extension, this will improve the thermal efficiency of that room. The planned pitched roof with loft insulation of 250mm will make the whole timber frame extension on both floors very thermally efficient.”*
- 7.4.10 Given the size and use of the proposed extension, it is considered that the information provided by the applicant is sufficient to fulfil the requirements of the Climate Change SPD and is therefore acceptable in this respect.

7.5 Planning Balance

- 7.5.1 The proposed first floor extension is considered to have a detrimental impact on the form and character of the area and has a poor relationship with the host dwelling due to the mass and bulk. However, the proposed development, including the single storey battery store and solar panels is considered not to have a significant impact on the residential amenity of adjacent neighbours.
- 7.5.2 On balance, although the proposal would not have a significant impact on the residential amenity of neighbouring properties, it is considered that this is outweighed by the proposal causing significant and demonstrable harm to the visual amenity of the host building and the surrounding area. The development, by virtue of its mass, bulk and materials on the character of the area would fail to visually protect or enhance the street scene. The proposal is therefore considered to be contrary to Policies ENV1 and ENV2 of the Local Plan 2015 and the Design Guide SPD, which require all proposed developments to be of a high quality and design

and protect, enhance or enrich the distinctive character of the area. The application is therefore recommended for refusal.

8.0 **APPENDICES**

8.1 None.

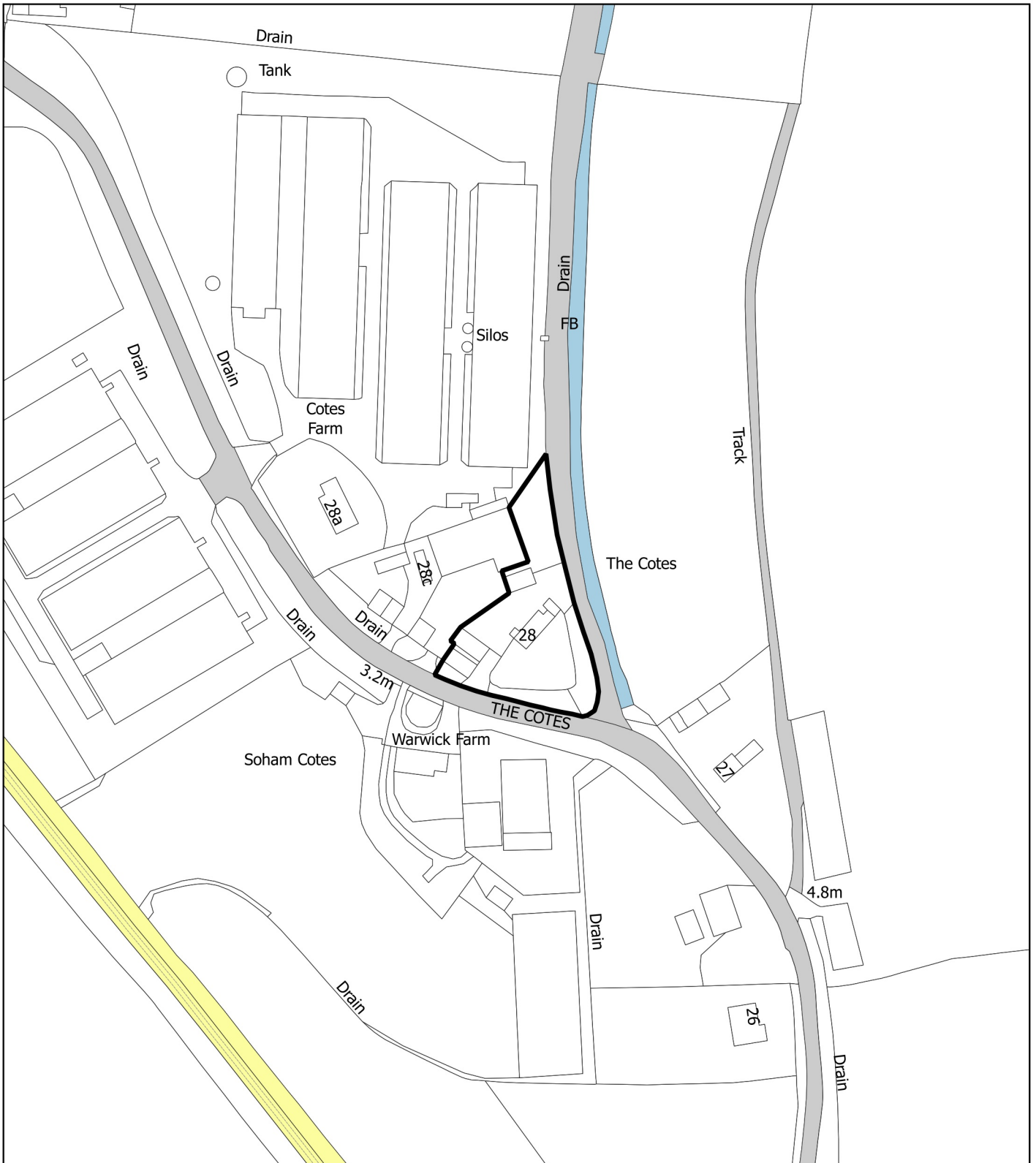
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/01544/FUL	Gemma Driver Room No. 011 The Grange Ely	Gemma Driver Planning Officer 01353 665555 gemma.driver@east camb.gov.uk

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>



21/00208/FUL

Broomstick Cottage
28 The Cotes
Soham



East Cambridgeshire
District Council

Date: 18/03/2021
Scale: 1:1,750



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MAIN CASE

Reference No:	21/00208/FUL		
Proposal:	Single storey side extension forming kitchen		
Site Address:	Broomstick Cottage 28 The Cotes Soham Ely Cambridgeshire CB7 5EP		
Applicant:	John & Pat Walsh		
Case Officer:	Molly Hood Planning Officer		
Parish:	Soham		
Ward:	Soham North		
	Ward Councillor/s:	Victoria Charlesworth	
		Alec Jones	
Date Received:	10 February 2021	Expiry Date:	7th April 2021
			Report Number [V168]

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

The proposal creates substantial harm to the Listed Building due to its location and scale, which is not outweighed by the public benefits of the scheme as required by Chapter 16 of the NPPF relating to heritage assets. The proposed development would not respect the character and appearance of the existing dwelling, resulting in an unharmonious form of development. Additionally, the proposal would have a cumulative impact with the existing addition on the property, leading to overpowering modern additions which will distort the form of the original building and sandwich the C17 range between two wings further diminishing its status as the principal element of the building. The proposal is detrimental to the character and significance of the building contrary to local and national heritage protection objectives. Although not highly visible due to existing vegetation the extension will dominate views of the dwelling from the entrance to the property thereby detracting from the significance of the heritage asset. As such the proposed development would not comply with policies ENV2 and ENV12 of the East Cambridgeshire Local Plan 2015, or the guidance set out in Chapter 16 of the NPPF.

2.0 SUMMARY OF APPLICATION**2.1** Permission is sought for the construction of a single storey side extension protruding off the south-west elevation. The proposal consists of a glazed link between the existing gable of the dwelling and the main bulk of the extension. The glazed link projects 1m (3.28ft), spans a width of 3.3m (10.82ft) and proposes a ridge height of 4.45m (14.59ft). The remainder of

the extension measures 4.09m (13.41ft) in width and 4m (13.12ft) in depth, with a ridge height of 5.2m (17.06ft). In total built form will protrude 5m (16.4ft) from the side elevation of the existing property.

- 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/>.
- 2.3 The application has been called into Planning Committee by Councillor Bovington as it was considered the set-up is detrimental to their living with the poor health of Mr Walsh and the proposed alterations will benefit the building. I feel that the case should be heard by committee and be transparent in a decision.

3.0 PLANNING HISTORY

3.1

20/01244/FUL	Extension forming kitchen	Refused	13.11.2020
21/00209/LBC	Single storey side extension forming kitchen	Elsewhere on this agenda	
19/01118/FUL	Proposed two storey extension to the southwest elevation	Refused	04.10.2019
19/01119/LBC	Proposed two storey extension to the southwest elevation	Refused	04.10.2019
20/01245/LBC	Extension forming kitchen	Refused	13.11.2020
06/00496/FUL	Erection of fence and gate surrounding property (1.2m at front and drive & 1.8m elsewhere)	Approved	13.06.2006
06/01087/LBC	Re-roof dormer windows, replacement windows, renovations and removal of toilet/bathroom and replace with lodge	Approved	08.02.2007
06/01365/FUL	Dormer windows to existing roof and rear extension.	Approved	08.02.2007

06/01365/NMAA	Non-material amendment to previously approved dormer windows to existing roof and rear extension.	18.10.2010
06/01365/NMAB	Non material amendment to previously approved dormer windows to existing roof and rear extension.	03.03.2011
06/01365/DISA	To discharge condition 2 (materials) and 3 (drawing) of Decision dated 08/02/07 for Dormer windows to existing roof and rear extension.	03.03.2011

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is a detached dwelling located in Soham, outside of the development envelope. The property has a few residential dwellings located close by, however these are sporadically located along The Cotes. The linear position of the dwelling within the site results in the side elevation fronting the highway and this being the main aspect visible within the streetscene. A number of outbuildings are located to the south-west of the main dwelling and limit views of the dwelling. Along the south-east boundary are a number of well-established trees and greenery, which only offers glimpsing views from this aspect of The Cotes. The streetscene is comprised of a combination of a few detached dwellings which vary in design, open fields and a few outbuildings. The dwelling is a Grade II Listed Building, known as Broomstick Cottage.

5.0 RESPONSES FROM CONSULTEES

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

Cambridgeshire Archaeology - No Comments Received

Historic England - 23 February 2021

Thank you for your letter of 19 February 2021 regarding the above application for planning permission. On the basis of the information available to date, 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. However, if you would like detailed advice from us, please contact us to explain your request.

Parish - 8 March 2021

The extension will not enhance the old style cottage listed building. Outside the development envelope.

Ward Councillors –

This case is just being submitted but I have been asked to look at it by the owners and call it in as they feel that they have not been heard fairly by officers to date. I would like to call it in to planning committee as I feel the set-up is detrimental to their living with the poor health of Mr Walsh and the proposed alterations will benefit the building. As I live in a similar listed building and have experienced similar issues in the past but which were sensibly overcome, I do feel that that the case should be heard by committee and be transparent in a decision.

Conservation Officer - 8 March 2021

NHLE ref 1391426 Broomstick Cottage is a Grade II listed dwelling which was spot-listed in 2005 to protect its historic interest, described thus at that time:

'Timber-framed building. Late 17th century with additions and alterations from the 18th, 19th and 20th centuries. Wall to south-west gable replaced in brick; southeast elevation encased in brick; and northeast gable and north-west elevation rendered in concrete over lime and pebbledash respectively. Gable roof is covered in corrugated metal, which was possibly laid over thatch. The original central door opening on the south east entrance remains, but the door is not original and a modern entrance porch has been added. Modern side entrance porch added to south-west end, along with a lean-to extension to north-east gable. The two gable windows are 19th century, the south-east elevation has vertical sliding sash windows and those to the north-east are modern replacements. Internally, with the exception of the rebuilt south-west gable, timber framing is exposed throughout most of the building. It has a lobby entrance plan, with two large, central, back to back fireplaces; both with bressumer and one with the remains of a bread oven. There is a small service wing to the south-west end, but it is not clear if the partitioning wall is original or a later addition. The ground floor has floor bricks laid in a herringbone pattern. The first floor may be a later addition. The roof structure is common rafters with collars to the gables, thin ridge piece and thin rafters of hedgerow timbers with some evidence of lath and plaster between.'

The thatched roof was restored in 2006-7 (supported by a £11,500 loan from ECDC) and a substantial extension was accepted at the same time to assist the building's viability as a dwelling.

Historic England's 2008 document 'Conservation Principles, Policies & Guidance for the Sustainable Management of the Historic Environment' delineates a range of heritage values which contribute to the significance of a heritage asset. In the case of traditional buildings, historic and aesthetic values tend to predominate, with the latter defined thus:

'Some aesthetic values are not substantially the product of formal design, but develop more or less fortuitously over time, as the result of a succession of responses within a particular cultural framework. They include, for example, the seemingly organic form of an urban or rural landscape; the relationship of vernacular buildings and structures and their materials to their setting; or a harmonious, expressive or dramatic quality in the juxtaposition of vernacular or industrial buildings and spaces. Sustaining design value tends to depend on appropriate stewardship to maintain the integrity of a designed concept, be it landscape, architecture, or structure' (paras 49-51).

'Evidential value, historical values and some aesthetic values, especially artistic ones, are dependent upon a place retaining (to varying degrees) the actual fabric that has been handed down from the past; but authenticity lies in whatever most truthfully reflects and embodies the values attached to the place. It can therefore relate to, for example, design or function, as well as fabric. Design values, particularly those associated with landscapes or buildings, may be harmed by losses resulting from disaster or physical decay, or through ill-considered alteration or accretion' (para 91).

'The greater the significance of a place to society, the greater the weight that should be attached to sustaining its heritage values... Since statutory designation, at local as well as national level, is a clear indicator of the significance of a place, the fact of designation can itself play a vital role in guiding options for strategic change' (paras 151-2).

'The greater the range and strength of heritage values attached to a place, the less opportunity there may be for change...Places whose significance stems essentially from the coherent expression of their particular cultural heritage values can be harmed by interventions of a radically different nature' (para 140).

'Changes which would harm the heritage values of a significant place should be unacceptable unless:

- a) the changes are demonstrably necessary either to make the place sustainable, or to meet an overriding public policy objective or need;
- b) there is no reasonably practicable alternative means of doing so without harm;
- c) that harm has been reduced to the minimum consistent with achieving the objective;
- d) it has been demonstrated that the predicted public benefit decisively outweighs the harm to the values of the place, considering
 - o its comparative significance,
 - o the impact on that significance, and
 - o the benefits to the place itself and/or the wider community or society as a whole'(para 149).

On a policy level, the NPPF states that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (paras 193-6).

Broomstick Cottage was listed in 2005 because it was judged to be in the public interest to preserve the building for its architectural and historic merit. Its restoration was supported by a public subsidy as a concrete expression of that interest and at the same time a significant addition (equating to 50% of its net original size) was permitted in order to ensure its ongoing viability as a dwelling. These were, by any measure, substantial impacts for any building, let alone a modest vernacular cottage, to absorb but were justified on the basis that they would secure the building's future.

The present application is the third scheme proposed for an extension from the south west gable and differs this time only in the introduction of a glazed caesura. Whilst this device will permit 'clear daylight' between the two elements, it is too narrow to alter the perception of the two parts as one building so the architectural impact, in particular the effect of 'sandwiching' the C17 range between two competing wings, would be the same. It is in any case a very mannered conceit, out-of-character in a building defined, as are all vernacular buildings, by its functionalism and logic.

No exploration of alternative options to provide a kitchen have been provided: the exclusion of the 2006 extension due to its potential as an accessible bedroom is difficult to reconcile

with its present use as a bar and games room. The point has been made throughout that occupants must be realistic about the size and range of accommodation such a modest building can provide, and may need to adjust their priorities accordingly. That position still stands.

It is considered that taken together with the earlier addition, the cumulative impact of extending from the south-west gable would further reduce the primacy of the original C17 range, and no 'clear and convincing justification' in NPPF terms has been advanced for this harm.

Recommendation: objection

Cadent Gas Ltd - 19 February 2021

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

Asset Information Definitive Map Team - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

ECDC Trees Team – 10 March 2021

Having searched back through the previous applications I have found a photo that show the true scale of the tree to be removed and that there are no significant trees in the vicinity of the proposed extension so an AIA will not be required, but if the application is allowed a condition to provide details of tree protection measures for the site should be considered to ensure the boundary trees are retained undamaged for example:

No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorized vehicles or construction machinery) until a scheme for the protection during construction of the trees relevant 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 within the scheme once approved 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.

The Ely Group Of Internal Drainage Board - 22 February 2021

This application for development is within the Middle Fen and Mere Internal Drainage Board. The Board has no objections to this application from a drainage point of view.

Cambridge Ramblers Association - No Comments Received

- 5.2 A site notice was displayed near the site on 24 February 2021 and a press advert was published in the Cambridge Evening News on 25 February 2021.

5.3 Neighbours – two neighbouring properties were notified and no responses have been received.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

ENV 1 Landscape and settlement character
ENV 2 Design
ENV 4 Energy and water efficiency and renewable energy in construction
ENV 12 Listed Buildings

6.2 *Supplementary Planning Documents*

Design Guide
Climate Change

6.3 *National Planning Policy Framework 2019*

12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change
16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the impacts on the residential amenity of nearby occupiers, the visual appearance and character of the wider area as well as the impact on the heritage asset.

7.2 Residential Amenity

7.2.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. The proposal will be situated forward of the south-west elevation, projecting towards the highway. The dwelling is not closely related to any neighbouring properties and location of the extension is not considered to create any harmful impacts on residential amenity.

7.3 Visual Impact

7.3.1 The dwelling is very visible from the site entrance and the proposed extension would dominate views of the existing dwelling. The property has already been extended to the side on the north-east elevation and the proposed extension would create a significant level of built form to the south-west of the dwelling, which would have a presence within the street scene of The Cotes. The Design Guide SPD requires proposals to ensure that once extended, the original dwelling is clearly legible and predominant. As mentioned previously the dwelling already has an addition off the north-east elevation and the application proposes to add a significant single storey extension to the opposite undeveloped elevation. It is considered with the scale of the extensions at either end of the property, the original dwelling will not remain clearly legible and will become overpowered by the additions.

7.3.2 Furthermore, the Design Guide SPD also states that the form and proportions of the original dwelling will determine the extent to which it can be extended. The dwelling is a small characterful property, which already has a large modern addition which provides further

accommodation. It is considered that a further extension will not be sympathetic to the form and proportions of the original dwelling as the cumulative impact of the additions will overpower the original form of the existing dwelling, compromising its primacy and being contrary to the Design Guide SPD.

7.3.3 The south-west elevation is the most visible aspect of the dwelling from the street scene of The Cotes due to the existing vegetation to the south-east and buildings to the south-west. The Heritage Statement also addresses its positioning in the streetscene and factors which obscure the principal elevation, leaving only the south-west elevation in view from The Coates. It is considered that the extension would become the prominent feature within the street scene, forming the principal view of the dwelling when entering the site. It is considered that the proposal would dominate the views of the dwelling within the streetscene, as a result of the scale and location. Whilst it is noted that the proposal has a lower ridge height to the original dwelling and efforts for separation have been made with the introduction of the glazed link, the cumulative impact remains and the further addition tilts the balance and becomes overpowering rather than subservient.

7.3.4 Additionally, it is considered the proposal is out of keeping with the design and characteristics of the original dwelling, which would be noticeable within the streetscene. This would be contrary to policy ENV1 of the Local Plan as it requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other, which the extension fails to do.

7.4 Heritage Asset

7.4.1 When assessing the impact of a proposed development on a heritage asset, the more important the asset, the greater weight should be. For example, a Grade I, Grade II*, or a Grade II listed building should be afforded greater weight than a conservation area. The NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

7.4.2 The application includes a Heritage Statement which has been resubmitted from the previous application 20/01244/FUL and 20/01245/LBC, which appraises the heritage significance of the built structures. Local Plan policy ENV12 requires Listed Building proposals that seek to extend or alter to preserve or enhance the significance of the building and not involve substantial loss of historic fabric. Furthermore, they are only supported where they facilitate the long term preservation of the building. There are three principles which the application would be expected to comply with, these being to preserve and enhance the building and to facilitate its long-term use.

7.5 Preserve and Enhance

7.5.1 The heritage statement doesn't refer to the current revisions under this application to include the glazed link, but the statement does reference the previous refusal from applications 19/01118/FUL and 19/01119/LBC. In response to the 2019 refusals, applications 20/01244/FUL and 20/01245/LBC were accompanied by a revised design which altered the eaves, lowered the ridge height and removed the first floor. However, it was still considered that those alterations to the design still did not overcome the previous concerns raised. It was highlighted that it is the principle of any development on this elevation which would lead to the harm through the dominance and sandwiching impacts from the structure. This current application has proposed a further amendment to include a glazed link between the gable end of the dwelling and the main bulk of the extension.

7.5.2 The further alteration to the design is not considered to overcome the concerns or issue with the principle of development off this gable end of the existing dwelling. Whilst the glazed link has aspired to achieve a very literal impression of separation between the extension and existing dwelling, it essentially still produces a sandwiching effect. The Conservation Officer advises that whilst the glazed caesura will permit 'clear daylight' between the two elements, it is too narrow to alter the perception of the two parts as one building. Therefore, the architectural impact, in particular the effect of 'sandwiching' the C17 range between two competing wings, would be the same. It is in any case a very mannered conceit, out-of-character in a building defined, as are all vernacular buildings, by its functionalism and logic. It is considered that the addition to the south-west elevation would be a contrived, uncharacteristic design which fails to enhance the significance of the heritage asset, contrary to policy ENV12 and the Design Guide SPD

7.5.3 It is considered that taken together with the earlier addition, the cumulative impact of extending from the south-west gable would further reduce the primacy of the original C17 range, and no 'clear and convincing justification' in NPPF terms has been advanced for this harm. The proposal would result in significant harm to the heritage asset, as the cumulative effect of the existing extension and the proposal would lead to the heritage asset becoming overpowered and dominated by the later additions. Whilst only the south-west elevation is predominately visible from the highway, the site and wider setting of the Listed Building still allows for views of the north-west and south-east elevations. In accordance with paragraph 196 of the framework this development is considered to result in substantial harm to the significance of the heritage asset, with no public benefits.

7.6 Loss of Historic Fabric

7.6.1 Any proposal to a heritage asset should minimise the loss of historic fabric. The Heritage Statement refers to the volume of alterations which have happened to the building prior to the 2006 additions and the extent of historic fabric which actually is retained in the building, particularly the fire places and early timber framing. The Heritage Statement addresses the reference to the south-west gable in the listing and its noted replacement in brick. The Heritage Statement considers this elevation to then have minimal historic or architectural interest. The Conservation Officer has previously accepted that no historic fabric would be lost in breaking though the south-west gable but did maintain that there is an architectural impact from the proposal. The architectural impacts of the current application remain centered around its design and the sandwiching effect the extension would create to the original form of the building.

7.7 Facilitate Long Term Use

7.7.1 Policy ENV12 supports extensions or alterations to listed buildings to support the long-term use and preservation of these important buildings. The Heritage statement also addresses the importance of securing long term preservation of these buildings. With Broomstick Cottage it is considered that the two storey extension permitted in 2006 provided the additional accommodation necessary to ensure the viability of the building as a residential dwelling. In its existing form today Broomstick Cottage is a well sized three-bedroom dwelling. The single storey extension to increase the size of the kitchen is not considered to be a necessary addition required to facilitate the long term use of the building, given the accommodation already provided within the building.

7.7.2 Furthermore, the Conservation Officer advised that Broomstick Cottage was listed in 2005 because it was judged to be in the public interest to preserve the building for its architectural and historic merit. Its restoration was supported by a public subsidy as a concrete expression of that interest and at the same time a significant addition (equating to 50% of its original size) was permitted in order to ensure its ongoing viability as a dwelling. These were, by any

measure, substantial impacts for any building, let alone a modest vernacular cottage, to absorb but were justified on the basis that they would secure the building's future.

- 7.7.3 The Heritage Statement questions the Conservation Officer's previous use of 50% when describing the previous addition. Under application 20/01244/FUL and 20/01245/LBC the Conservation Officer addressed the this point by advising the following:

The 2006 extension replaced a series of ad hoc C20 single storey additions to the north-east gable, which were of no significance as reflected in the fact that they were sacrificed. The north-eastern extension is not uncomplimentary but it is clearly a large modern addition and it is indisputable that its ground floor footprint (*not* volume) equates to 50% of the original two bay C17 cottage.

- 7.7.4 It is considered the comments made by the Conservation Officer under the 20/01244/FUL and 20/01245/LBC applications remain applicable and provide context as to why the principle of development off the south-west elevation remains unacceptable.

- 7.7.5 The application has been called into Planning Committee as the Councillor consider the existing set-up is detrimental to their living with the poor health of the applicant. Whilst it is understood that a change to the current living accommodation within the dwelling is required by the applicants to support a health condition, no exploration of alternative options to provide a kitchen elsewhere in the building have been provided. The Conservation Officer has noted that the exclusion of the 2006 extension due to its potential as an accessible bedroom is difficult to reconcile with its present use as a bar and games room. The point has been made throughout that the occupants must be realistic about the size and range of accommodation such a modest building can provide, and may need to adjust their priorities accordingly. That position still stands.

7.8 Trees

- 7.8.1 The proposal will result in the removal of one from the site in order to accommodate the extension. The tree indicated for removal is separate to the boundary vegetation along the south-east boundary. The Trees Officer has noted the Officers site photos from an early visit which shows the true scale of the tree to be removed. The Officer advised that there are no significant trees in the vicinity of the proposed extension so an AIA will not be required, but if the application is allowed a condition to provide details of tree protection measures for the site should be considered to ensure the boundary trees are retained undamaged. It is considered that this request is reasonable and due to the visually importance of these trees within the streetscene protection measures should be conditioned.

7.9 Climate Change SPD

- 7.9.1 The recently adopted Climate Change Supplementary Planning Document predominantly focusses on providing additional guidance to the implementation of Local Plan Policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 states all proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. It goes on to state that applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction, as set out in the Code for Sustainable Homes (or its successor)". The opportunity was provided to the agent and comments (below) were received to identify how the proposal will deliver an energy efficient and achieve a minimised or zero carbon development.

'We have considered the elements of [the] Climate Change SPD and are satisfied with the approach as detailed on the plans. All of our projects take a fabric first approach to sustainability and we are committed to delivering robust projects that exceed the minimum requirements of the building regulations.'

7.9.2 From the agents comments it is accepted that suitable consideration has been made to deliver an energy efficient development. Therefore, the proposal is considered to address policy ENV4 and the Climate Change SPD.

7.10 Conclusion

7.10.1 The proposal is not considered to be an appropriate design approach, as it fails to respect the existing built form and character of Broomstick Cottage. The extension is not sympathetic to the existing building and fails to preserve or enhance the heritage asset. Whilst it is accepted that no historic fabric would be lost, the architectural integrity of the building would be compromised. The proposal would cause substantial harm to the significance of the heritage asset and there no public benefits, as such the proposal is contrary to policies ENV2, ENV12 as well as the Design Guide SPD and NPPF.

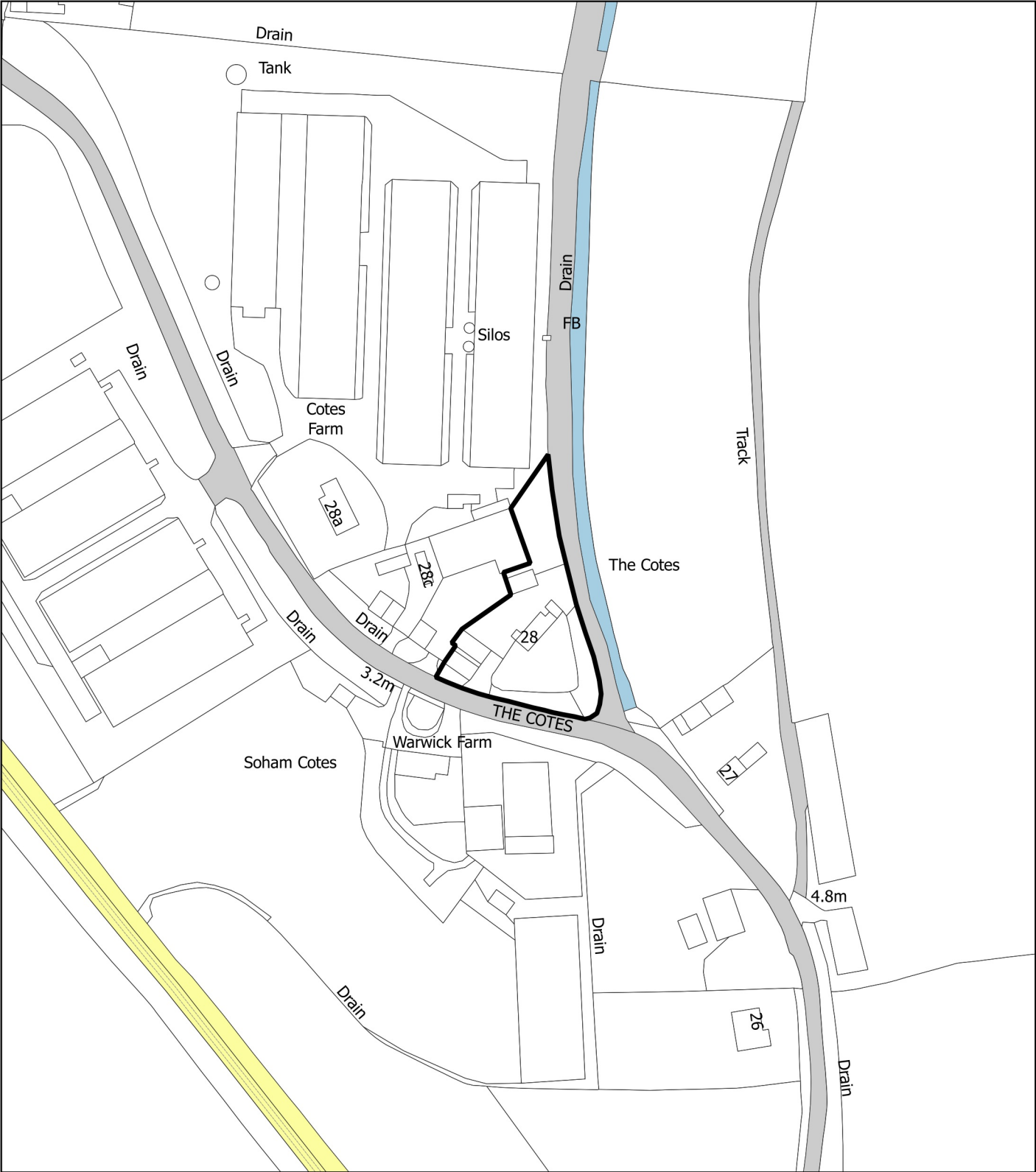
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/00208/FUL	Molly Hood	Molly Hood
21/00209/LBC	Room No. 011	Planning Officer
20/01244/FUL	The Grange	01353 665555
20/01245/LBC	Ely	molly.hood@eastca
19/01118/FUL		mbs.gov.uk
19/01119/LBC		

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>



21/00209/LBC

Broomstick Cottage
28 The Cotes
Soham



East Cambridgeshire
District Council

Date: 18/03/2021
Scale: 1:1,750



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MAIN CASE

Reference No:	21/00209/LBC		
Proposal:	Single storey side extension forming kitchen		
Site Address:	Broomstick Cottage 28 The Cotes Soham Ely Cambridgeshire CB7 5EP		
Applicant:	John & Pat Walsh		
Case Officer:	Molly Hood Planning Officer		
Parish:	Soham		
Ward:	Soham North		
	Ward Councillor/s:	Victoria Charlesworth Alec Jones	
Date Received:	10 February 2021	Expiry Date:	7th April
			Report Number [V169]

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

The proposal creates substantial harm to the Listed Building due to its location and scale, which is not outweighed by the public benefits of the scheme as required by Chapter 16 of the NPPF relating to heritage assets. The proposed development would not respect the character and appearance of the existing dwelling, resulting in an unharmonious form of development. Additionally, the proposal would have a cumulative impact with the existing addition on the property, leading to overpowering modern additions which will distort the form of the original building and sandwich the C17 range between two wings further diminishing its status as the principal element of the building. The proposal is detrimental to the character and significance of the building contrary to local and national heritage protection objectives. Although not highly visible due to existing vegetation the extension will dominate views of the dwelling from the entrance to the property thereby detracting from the significance of the heritage asset. As such the proposed development would not comply with policies ENV2 and ENV12 of the East Cambridgeshire Local Plan 2015, or the guidance set out in Chapter 16 of the NPPF.

2.0 SUMMARY OF APPLICATION**2.1 Permission is sought for the construction of a single storey side extension protruding off the south-west elevation. The proposal consists of a glazed link between the existing gable of the dwelling and the main bulk of the extension. The glazed link projects 1m (3.28ft), spans**

a width of 3.3m (10.82ft) and proposes a ridge height of 4.45m (14.59ft). The remainder of the extension measures 4.09m (13.41ft) in width and 4m (13.12ft) in depth, with a ridge height of 5.2m (17.06ft). In total built form will protrude 5m from the side elevation of the existing property.

- 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/>.

The application has been called into Planning Committee by Councillor Bovingdon as it was considered the set-up is detrimental to their living with the poor health of Mr Walsh and the proposed alterations will benefit the building. I feel that the case should be heard by committee and be transparent in a decision.

3.0 PLANNING HISTORY

3.1

20/01244/FUL	Extension forming kitchen	Refused	13.11.2020
21/00209/LBC	Single storey side extension forming kitchen	Elsewhere on this agenda	
19/01118/FUL	Proposed two storey extension to the southwest elevation	Refused	04.10.2019
19/01119/LBC	Proposed two storey extension to the southwest elevation	Refused	04.10.2019
20/01245/LBC	Extension forming kitchen	Refused	13.11.2020
06/00496/FUL	Erection of fence and gate surrounding property (1.2m at front and drive & 1.8m elsewhere)	Approved	13.06.2006
06/01087/LBC	Re-roof dormer windows, replacement windows, renovations and removal of toilet/bathroom and replace with lodge	Approved	08.02.2007
06/01365/FUL	Dormer windows to existing roof and rear extension.	Approved	08.02.2007

06/01365/NMAA	Non-material amendment to previously approved dormer windows to existing roof and rear extension.	18.10.2010
06/01365/NMAB	Non material amendment to previously approved dormer windows to existing roof and rear extension.	03.03.2011
06/01365/DISA	To discharge condition 2 (materials) and 3 (drawing) of Decision dated 08/02/07 for Dormer windows to existing roof and rear extension.	03.03.2011

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is a detached dwelling located in Soham, outside of the development envelope. The property has a few residential dwellings located close by, however these are sporadically located along The Cotes. The linear position of the dwelling within the site results in the side elevation fronting the highway and this being the main aspect visible within the streetscene. A number of outbuildings are located to the south-west of the main dwelling and limit views of the dwelling. Along the south-east boundary are a number of well-established trees and greenery, which only offers glimpsing views from this aspect of The Cotes. The streetscene is comprised of a combination of a few detached dwellings which vary in design, open fields and a few outbuildings. The dwelling is a Grade II Listed Building, known as Broomstick Cottage.

5.0 RESPONSES FROM CONSULTEES

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

Cambridgeshire Archaeology - No Comments Received

Historic England - 23 February 2021

Thank you for your letter of 19 February 2021 regarding the above application for planning permission. On the basis of the information available to date, 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. However, if you would like detailed advice from us, please contact us to explain your request.

Parish - 8 March 2021

The extension will not enhance the old style cottage listed building. Outside the development envelope.

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NHLE ref 1391426 Broomstick Cottage is a Grade II listed dwelling which was spot-listed in 2005 to protect its historic interest, described thus at that time:

'Timber-framed building. Late 17th century with additions and alterations from the 18th, 19th and 20th centuries. Wall to south-west gable replaced in brick; southeast elevation encased in brick; and northeast gable and north-west elevation rendered in concrete over lime and pebbledash respectively. Gable roof is covered in corrugated metal, which was possibly laid over thatch. The original central door opening on the south east entrance remains, but the door is not original and a modern entrance porch has been added. Modern side entrance porch added to south-west end, along with a lean-to extension to north-east gable. The two gable windows are 19th century, the south-east elevation has vertical sliding sash windows and those to the north-east are modern replacements. Internally, with the exception of the rebuilt south-west gable, timber framing is exposed throughout most of the building. It has a lobby entrance plan, with two large, central, back to back fireplaces; both with bressumer and one with the remains of a bread oven. There is a small service wing to the south-west end, but it is not clear if the partitioning wall is original or a later addition. The ground floor has floor bricks laid in a herringbone pattern. The first floor may be a later addition. The roof structure is common rafters with collars to the gables, thin ridge piece and thin rafters of hedgerow timbers with some evidence of lath and plaster between.'

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Historic England's 2008 document 'Conservation Principles, Policies & Guidance for the Sustainable Management of the Historic Environment' delineates a range of heritage values which contribute to the significance of a heritage asset. In the case of traditional buildings, historic and aesthetic values tend to predominate, with the latter defined thus:

'Some aesthetic values are not substantially the product of formal design, but develop more or less fortuitously over time, as the result of a succession of responses within a particular cultural framework. They include, for example, the seemingly organic form of an urban or rural landscape; the relationship of vernacular buildings and structures and their materials to their setting; or a harmonious, expressive or dramatic quality in the juxtaposition of vernacular or industrial buildings and spaces. Sustaining design value tends to depend on appropriate stewardship to maintain the integrity of a designed concept, be it landscape, architecture, or structure' (paras 49-51).

'Evidential value, historical values and some aesthetic values, especially artistic ones, are dependent upon a place retaining (to varying degrees) the actual fabric that has been handed down from the past; but authenticity lies in whatever most truthfully reflects and embodies the values attached to the place. It can therefore relate to, for example, design or function, as well as fabric. Design values, particularly those associated with landscapes or buildings, may be harmed by losses resulting from disaster or physical decay, or through ill-considered alteration or accretion' (para 91).

'The greater the significance of a place to society, the greater the weight that should be attached to sustaining its heritage values... Since statutory designation, at local as well as national level, is a clear indicator of the significance of a place, the fact of designation can itself play a vital role in guiding options for strategic change' (paras 151-2).

'The greater the range and strength of heritage values attached to a place, the less opportunity there may be for change...Places whose significance stems essentially from the coherent expression of their particular cultural heritage values can be harmed by interventions of a radically different nature' (para 140).

'Changes which would harm the heritage values of a significant place should be unacceptable unless:

- a) the changes are demonstrably necessary either to make the place sustainable, or to meet an overriding public policy objective or need;
- b) there is no reasonably practicable alternative means of doing so without harm;
- c) that harm has been reduced to the minimum consistent with achieving the objective;
- d) it has been demonstrated that the predicted public benefit decisively outweighs the harm to the values of the place, considering
 - o its comparative significance,
 - o the impact on that significance, and
 - o the benefits to the place itself and/or the wider community or society as a whole'(para 149).

On a policy level, the NPPF states that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (paras 193-6).

Broomstick Cottage was listed in 2005 because it was judged to be in the public interest to preserve the building for its architectural and historic merit. Its restoration was supported by a public subsidy as a concrete expression of that interest and at the same time a significant addition (equating to 50% of its net original size) was permitted in order to ensure its ongoing viability as a dwelling. These were, by any measure, substantial impacts for any building, let alone a modest vernacular cottage, to absorb but were justified on the basis that they would secure the building's future.

The present application is the third scheme proposed for an extension from the south west gable and differs this time only in the introduction of a glazed caesura. Whilst this device will permit 'clear daylight' between the two elements, it is too narrow to alter the perception of the two parts as one building so the architectural impact, in particular the effect of 'sandwiching' the C17 range between two competing wings, would be the same. It is in any case a very mannered conceit, out-of-character in a building defined, as are all vernacular buildings, by its functionalism and logic.

No exploration of alternative options to provide a kitchen have been provided: the exclusion of the 2006 extension due to its potential as an accessible bedroom is difficult to reconcile with its present use as a bar and games room. The point has been made throughout that

occupants must be realistic about the size and range of accommodation such a modest building can provide, and may need to adjust their priorities accordingly. That position still stands.

It is considered that taken together with the earlier addition, the cumulative impact of extending from the south-west gable would further reduce the primacy of the original C17 range, and no 'clear and convincing justification' in NPPF terms has been advanced for this harm.

Recommendation: objection

Cadent Gas Ltd - 19 February 2021

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

Asset Information Definitive Map Team - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

ECDC Trees Team – 10 March 2021

Having searched back through the previous applications I have found a photo that show the true scale of the tree to be removed and that there are no significant trees in the vicinity of the proposed extension so an AIA will not be required, but if the application is allowed a condition to provide details of tree protection measures for the site should be considered to ensure the boundary trees are retained undamaged for example:

No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorized vehicles or construction machinery) until a scheme for the protection during construction of the trees relevant 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 within the scheme once approved 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.

The Ely Group Of Internal Drainage Board - 22 February 2021

This application for development is within the Middle Fen and Mere Internal Drainage Board. The Board has no objections to this application from a drainage point of view.

Cambridge Ramblers Association - No Comments Received

- 5.2 A site notice was displayed near the site on 24 February 2021 and a press advert was published in the Cambridge Evening News on 25 February 2021.

5.3 Neighbours – two neighbouring properties were notified and no responses have been received.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

ENV 1 Landscape and settlement character
ENV 2 Design
ENV 4 Energy and water efficiency and renewable energy in construction
ENV 12 Listed Buildings

6.2 *Supplementary Planning Documents*

Design Guide
Climate Change

6.3 *National Planning Policy Framework 2019*

12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change
16 Conserving & enhancing the historic environment

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the impacts on the character of the wider area as well as the impact on the Listed Building.

7.2 Heritage Asset

7.2.1 When assessing the impact of a proposed development on a heritage asset, the more important the asset, the greater weight should be. For example, a Grade I, Grade II*, or a Grade II listed building should be afforded greater weight than a conservation area. The NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

7.2.2 The application includes a Heritage Statement which has been resubmitted from the previous application 20/01244/FUL and 20/01245/LBC, which appraises the heritage significance of the built structures. Local Plan policy ENV12 requires Listed Building proposals that seek to extend or alter to preserve or enhance the significance of the building and not involve substantial loss of historic fabric. Furthermore, they are only supported where they facilitate the long term preservation of the building. There are three principles which the application would be expected to comply with, these being to preserve and enhance the building and to facilitate its long-term use.

7.3 Preserve and Enhance

7.3.1 The heritage statement doesn't refer to the current revisions under this application to include the glazed link, but the statement does reference the previous refusal from applications 19/01118/FUL and 19/01119/LBC. In response to the 2019 refusals, applications 20/01244/FUL and 20/01245/LBC were accompanied by a revised design which altered the eaves, lowered the ridge height and removed the first floor. However, it was still considered that those alterations to the design still did not overcome the previous concerns raised. It was

highlighted that it is the principle of any development on this elevation which would lead to the harm through the dominance and sandwiching impacts from the structure. This current application has proposed a further amendment to include a glazed link between the gable end of the dwelling and the main bulk of the extension.

7.3.2 The further alteration to the design is not considered to overcome the concerns or issue with the principle of development off this gable end of the existing dwelling. Whilst the glazed link has aspired to achieve a very literal impression of separation between the extension and existing dwelling, it essentially still produces a sandwiching effect. The Conservation Officer advises that whilst the glazed caesura will permit 'clear daylight' between the two elements, it is too narrow to alter the perception of the two parts as one building. Therefore, the architectural impact, in particular the effect of 'sandwiching' the C17 range between two competing wings, would be the same. It is in any case a very mannered conceit, out-of-character in a building defined, as are all vernacular buildings, by its functionalism and logic. It is considered that the addition to the south-west elevation would be a contrived, uncharacteristic design which fails to enhance the significance of the heritage asset, contrary to policy ENV12 and the Design Guide SPD

7.3.3 It is considered that taken together with the earlier addition, the cumulative impact of extending from the south-west gable would further reduce the primacy of the original C17 range, and no 'clear and convincing justification' in NPPF terms has been advanced for this harm. The proposal would result in significant harm to the heritage asset, as the cumulative effect of the existing extension and the proposal would lead to the heritage asset becoming overpowered and dominated by the later additions. Whilst only the south-west elevation is predominately visible from the highway, the site and wider setting of the Listed Building still allows for views of the north-west and south-east elevations. In accordance with paragraph 196 of the framework this development is considered to result in substantial harm to the significance of the heritage asset, with no public benefits.

7.4 Loss of Historic Fabric

7.4.1 Any proposal to a heritage asset should minimise the loss of historic fabric. The Heritage Statement refers to the volume of alterations which have happened to the building prior to the 2006 additions and the extent of historic fabric which actually is retained in the building, particularly the fire places and early timber framing. The Heritage Statement addresses the reference to the south-west gable in the listing and its noted replacement in brick. The Heritage Statement considers this elevation to then have minimal historic or architectural interest. The Conservation Officer has previously accepted that no historic fabric would be lost in breaking though the south-west gable but did maintain that there is an architectural impact from the proposal. The architectural impacts of the current application remain centered around its design and the sandwiching effect the extension would create to the original form of the building.

7.5 Facilitate Long Term Use

7.5.1 Policy ENV12 supports extensions or alterations to listed buildings to support the long-term use and preservation of these important buildings. The Heritage statement also addresses the importance of securing long term preservation of these buildings. With Broomstick Cottage it is considered that the two storey extension permitted in 2006 provided the additional accommodation necessary to ensure the viability of the building as a residential dwelling. In its existing form today Broomstick Cottage is a well sized three-bedroom dwelling. The single storey extension to increase the size of the kitchen is not considered to be a necessary addition required to facilitate the long term use of the building, given the accommodation already provided within the building.

7.5.2 Furthermore, the Conservation Officer advised that Broomstick Cottage was listed in 2005 because it was judged to be in the public interest to preserve the building for its architectural and historic merit. Its restoration was supported by a public subsidy as a concrete expression of that interest and at the same time a significant addition (equating to 50% of its original size) was permitted in order to ensure its ongoing viability as a dwelling. These were, by any measure, substantial impacts for any building, let alone a modest vernacular cottage, to absorb but were justified on the basis that they would secure the building's future.

7.5.3 The Heritage Statement questions the Conservation Officer's previous use of 50% when describing the previous addition. Under application 20/01244/FUL and 20/01245/LBC the Conservation Officer addressed the this point by advising the following:

The 2006 extension replaced a series of ad hoc C20 single storey additions to the north-east gable, which were of no significance as reflected in the fact that they were sacrificed. The north-eastern extension is not uncomplimentary but it is clearly a large modern addition and it is indisputable that its ground floor footprint (*not* volume) equates to 50% of the original two bay C17 cottage.

7.5.4 It is considered the comments made by the Conservation Officer under the 20/01244/FUL and 20/01245/LBC applications remain applicable and provide context as to why the principle of development off the south-west elevation remains unacceptable.

7.5.5 The application has been called into Planning Committee as the Councillor consider the existing set-up is detrimental to their living with the poor health of the applicant. Whilst it is understood that a change to the current living accommodation within the dwelling is required by the applicants to support a health condition, no exploration of alternative options to provide a kitchen elsewhere in the building have been provided. The Conservation Officer has noted that the exclusion of the 2006 extension due to its potential as an accessible bedroom is difficult to reconcile with its present use as a bar and games room. The point has been made throughout that the occupants must be realistic about the size and range of accommodation such a modest building can provide, and may need to adjust their priorities accordingly. That position still stands.

7.6 Conclusion

7.6.1 The proposal is not considered to be an appropriate design approach, as it fails to respect the existing built form and character of Broomstick Cottage. The extension is not sympathetic to the existing building and fails to preserve or enhance the heritage asset. Whilst it is accepted that no historic fabric would be lost, the architectural integrity of the building would be compromised. The proposal would cause substantial harm to the significance of the heritage asset and there no public benefits, as such the proposal is contrary to policies ENV2, ENV12 as well as the Design Guide SPD and NPPF.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/00208/FUL	Molly Hood	Molly Hood
21/00209/LBC	Room No. 011	Planning Officer
20/01244/FUL	The Grange	01353 665555
20/01245/LBC	Ely	molly.hood@eastca
19/01118/FUL		mbs.gov.uk
19/01119/LBC		

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>

Planning Performance – February 2021

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validation	207	4	44	61	30	26	42
Validated within 5 days (%)	85%	(ECDC target of 75%)					
Determinations	115	1	25	31	13	23	22
Determined on time (%)		100% (90% within 13 weeks)	100% (80% within 8 weeks)	100% (90% within 8 weeks)	100% (90% within 8 weeks)	70% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	109	1	24	30	10	23	21
Refused	6	0	1	1	3	0	1

Open Cases by Team (as at 22/03/2021)							
Team 1 (3.8 FTE)	184	11	58	36	24	55	0
Team 2 (4 FTE)	166	14	36	44	33	37	0
Team 3 (4 FTE)	174	11	50	37	36	40	0
No Team (3 FTE)	48	8	3	0	5	5	27

No Team includes – Trees Officer, Conservation Officer and Agency Worker

The Planning department received a total of 240 applications during February which is a 21% increase of number received during February 2020 (198) and 33% increase to the number received during January 2021 (181).

Valid Appeals received – 3

Planning reference	Site Address	Decision Level
20/01231/FUL	Grange Farm Red Lodge Karting Centre Red Lodge Link Road	Delegated
20/01260/VAR	63 Aldreth Road Haddenham	Delegated
Enforcement	27A The Causeway Burwell	Delegated

Appeals decided – 4

Planning reference	Site address	Decision Level	Appeal outcome
16/01121/FUM	Land North of 190 Wisbech Road Littleport	Non Determination	Allowed and award of costs allowed
19/01535/ARN	Meadlands Farm The Gault Sutton	Delegated	Dismissed
20/0125/FUL	9 Newmarket Road Fordham	Delegated	Dismissed
20/00291/OUT	Queensbury 196 Carter Street Fordham	Delegated	Dismissed
20/00437/CLP	Riverside Caravan Park New River Bank Littleport	Delegated	Dismissed
20/01050/VAR	27A The Causeway Burwell	Delegated	Not accepted by PINS as submitted outside of timeframe

Additional information.

Heath road, Swaffham Bulbeck has had its hearing date postponed until 26th May and West Fen Road, Ely has its hearing date booked for 18th May. Both of these will be virtual hearings arranged by the Planning Inspectorate.

Enforcement

New Complaints registered – 27 (0 Proactive)

Cases closed – 29 (2 Proactive)

Open cases/officer (2.5FTE) – 227 cases (23 Proactive)/2.5 = 90.8 per FTE

Notices served – 1

14 Second Drove Little Downham – Enforcement Notice

Comparison of Enforcement complaints received during February

Code	Description	2020	2021
ADVERT	Reports of unauthorised adverts	0	1
COND	Reports of breaches of planning conditions	4	7
CONSRV	Reports of unauthorised works in a Conservation Area	1	0
DEM	Reports of unauthorised demolition in a Conservation Area	0	0
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
LISTED	Reports of unauthorised works to a Listed Building	0	0
OP	Reports of operational development, such as building or engineering works	4	9
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	0	0
PLAN	Reports that a development is not being built in accordance with approved plans	5	8
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	7	0
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	0
USE	Reports of the change of use of land or buildings	4	2
	TOTAL	25	27