



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 8th January 2020

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

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

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

Membership:

Conservative Members

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

Liberal Democrat Members

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

Substitutes:

Cllr David Ambrose Smith
Cllr Lis Every
Cllr Julia Huffer

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Lead Officer:

Rebecca Saunt, Planning Manager

Quorum: 5 Members

PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 8:50am
(Please note site visit timings are approximate)

A G E N D A

1. Apologies and Substitutions **[oral]**

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

3. Minutes
To receive and confirm as a correct record the Minutes of the Planning Committee meetings held on 4th December 2019

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

5. **19/00269/FUL**
Demolition of existing building and construction of new community centre and flat.
34 Broad Street, Ely, CB7 4AH
Applicant: Ely Muslim Community Association
Site Visit: 8.55am

6. **19/00702/MPO**
To vary the S106 Agreement to facilitate an early review on viability; fix the resultant level of affordable housing across remaining phases (excluding Phase 1 and the adjacent care home sold to LNT): and to secure the early delivery of the A10 roundabout and associated infrastructure.
Land North of Cam Drive, Ely
Applicant: Cheffins
Site Visit: No site visit

7. **19/00771/FUM**
Development of the land to provide a new 70 bedroom care home (Use Class C2), a children's nursery (Use Class D1), 18 dwellings (Use Class C3) and associated access, car and cycle parking, structural landscaping and amenity space provision.
Land Parcel East of 2 The Shade, Soham

Applicant: Frontier Estates

Site Visit: 12:15pm

8. **19/00887/FUL**

Construction of 4no. single storey dwellings with garaging, parking and associated site works – phased development.

Land Adjacent to 2C Moor Road, Fordham

Applicant: ALN Carpentry & Joinery Ltd

Site Visit: 10:25am

9. **19/00897/FUL**

Temporary erection of a single storey marquee for functions, outside bar and store forming an annexe to existing hotel (retrospective).

The Three Pickerels, 19 Bridge Road, Mepal

Applicant: Mr Paul Kenyon

Site Visit: 9.25am

10. **19/01373/FUL**

Change of use of land to a mix of Gypsy and Traveller residential and equestrian with the siting of up to six caravans of which no more than two can be mobile homes and the erection of an amenity building and stable block.

Land West of Saunders Piece, Ely Road, Little Thetford

Applicant: Mr Jimmy O'Brien

Site Visit: 9.55am

11. **19/01421/OUT**

Proposed one and half storey dwelling, garaging, access & associated site work.

Mobile Home at 1A Chapel Lane, Soham

Applicant: Mr & Mrs Burbridge

Site Visit: 11:55am

12. **19/01470/OUT**

Outline application for the erection of up to 4no. dwellings along with associated infrastructure and landscaping with all matters reserved apart from access.

Site South of 60 Longmeadow, Lode, CB25 9HA

Applicant: Cambridgeshire County Council

Site Visit: 11.20am

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

NOTES:

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

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

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

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

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

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

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



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held in St Mary's Church Hall, St Mary's Church, St Mary's Street, Ely on Wednesday, 4th December 2019 at 2:00pm.

PRESENT

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

OFFICERS

Angela Briggs – Planning Team Leader
Maggie Camp – Legal Services Manager
Richard Fitzjohn – Senior Planning Officer
Rachael Forbes – Planning Officer
Barbara Greengrass – Planning Team Leader
Catherine Looper – Senior Planning Officer
Andrew Phillips - Planning Team Leader
Janis Murfet – Democratic Services Officer
Dan Smith – Planning Consultant
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

IN ATTENDANCE

Cllr Lis Every (Agenda Item No's 8 & 9)
Cllr Julia Huffer (Agenda Item No's 6 & 10)
25 members of the public

60. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors Matt Downey and Joshua Schumann.

It was noted that Councillor David Ambrose Smith would substitute for Councillor Schumann for the duration of the meeting.

61. DECLARATIONS OF INTEREST

No declarations of interest were made.

62. MINUTES

It was resolved:

That the Minutes of the meeting held on 6th November 2019 be confirmed as a correct record and signed by the Chairman.

63. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- This meeting was being held in the Church Hall because the Council Chamber at The Grange was being used for postal votes. January's meeting would take place at The Grange as usual;
- Rebecca Saunt, Planning Manager, was on leave and therefore Andrew Phillips, Planning Team Leader was deputising for her at this meeting;
- This was the last Planning Committee meeting before Christmas and the Chairman wished all present a Happy Christmas. He also thanked Members and Officers, saying it was a pleasure to work with them
- Richard Fitzjohn, Senior Planning Officer, was leaving the Authority in January 2020. On behalf of Members, the Chairman thanked him for all his efforts, wished him good luck for the future and expressed the hope that he would have a Happy Christmas with his partner and baby son.

64. 19/00100/FUM – SITE SOUTH OF WINGS HOSTEL, STATION DROVE, SHIPPEA HILL

Richard Fitzjohn, Senior Planning Officer, presented a report (reference U132, previously circulated) which sought permission for the provision of additional temporary rural workers' accommodation and welfare facilities to extend the existing provision at Wings Hostel, Shippea Hill.

The proposal would increase the amount of accommodation on the site from 71 portacabins to 148 caravans/cabins, in addition to providing an on-site shop, recreational and welfare facilities and additional parking. It would increase the capacity from 408 to 592 people between 1st May and 31st October in any year.

It was noted that due to unforeseen circumstances, Members had been unable to make a site visit, but they had been provided with photographs of the application site.

The site was located within the countryside, to the south west of the A1101 and Shippea Hill Station. It was accessed via a long road from Station Drove, which was off the A1101. It was also located adjacent to a railway line and was well screened by established landscaping, comprising trees and hedging.

A number of illustrations were displayed at the meeting, including a site location map, an aerial photograph, a site plan of the proposal and indicative visuals of the accommodation, shop and main office.

The main considerations in the determination of this application were:

- Principle of development;
- Character and appearance of the area;
- Residential amenity;
- Highway safety and transport;
- Flood risk and drainage;
- Ecology;
- Archaeology; and
- Trees.

The Senior Planning Officer reminded Members that the main consideration was whether there was sufficient business justification for 184 additional workers to be accommodated on the site. The applicant had submitted a Heads of Terms document which agreed that as part of a Section 106 agreement, the increase in workers living at the Shippea Hill hostel would be offset somewhat by a reduction in workers living at the Barway hostel. There would be an increase of 184 people at the Shippea Hill hostel and a decrease of 148 people at the Barway hostel – an overall increase of 36 workers over the 2 sites.

The map on page 12 of the Officer's report showed that the majority of harvesting operations were located closer to Shippea Hill than they were to Barway. This demonstrated business and sustainability justifications for locating more accommodation at the Shippea Hill hostel.

It was noted that the Council's Housing department supported the application in principle, stating that it would help to meet Policy HOU5 of the Local Plan, as it was an extension to an established seasonal, agricultural workers accommodation.

The scale of the proposal was not considered to be larger than that required to meet the functional needs of the business, and the on-site shop was considered to be ancillary to the accommodation as it would only serve the rural workers occupying the site.

Subject to agreement of a S106 which was in general accordance with the agreed Heads of Terms, it was considered that the principle of development was acceptable for occupation between 1st May and 31st October in any year.

The Council's Trees Officer raised concerns that the proposal had a very dense layout which would have a negative effect upon the landscape character of the area. However, he acknowledged that there was existing habitation use which currently impacted views and he therefore did not object to the scheme.

With regard to the visual impact of the proposal, it was noted that the existing site comprised portacabins, offices and welfare facilities. The proposed extension to the site would significantly increase built form on, and adjacent to the site, but it was a significant distance from the public highway and would be well screened by mature landscaping. It was therefore considered that there would be a low visual impact from the public highway.

Speaking next of residential amenity, the Senior Planning Officer stated that the scheme would not result in any significant harm to the existing occupiers of nearby properties. In respect of the agricultural workers, the development would improve the existing accommodation, recreation and welfare facilities available, whilst reducing the numbers of people per cabin.

Although there was a railway line adjacent to the site, the Noise Impact Assessment stated that the part of the site predicted to have an exceedance of 2dB internally was the existing site and not the extension, and the relaxation of internal noise levels was acceptable when weighed against the benefits of the application. On that basis the noise impacts were considered acceptable.

It was noted that the applicant provided regular shuttle bus services for business and recreation purposes and the proposed 70 car parking spaces would meet predicted private car levels. The Local Highways Authority Transport Team had no objections to the proposed development, subject to a condition requiring a Bus Management Plan to be agreed by the Local Planning Authority (LPA) to manage the buses during the morning and evening shift changes.

The application site was located in Flood Zone 3, but the principle of development was considered acceptable as the application was to expand an existing temporary accommodation site. It was accepted that there was a business need for the additional accommodation at this location and it could not be reasonably placed elsewhere at a lower risk of flooding. On this basis the flood risk sequential test was passed.

The submitted Flood Risk Assessment and Drainage Strategy stated that the floor levels of the caravans/cabins would be a minimum of 0.5 metres above ground level. The flood risk exception test was therefore satisfied, subject to the recommended drainage conditions.

The Committee noted that the application was supported by an Ecological Impact Assessment. It identified that there would be no significant impacts on protected species or habitats with the implementation of mitigation and compensation measures. The Assessment recommended biodiversity enhancement measures which would be likely to result in a biodiversity net gain, and these could be secured by condition.

Cambridgeshire County Council Archaeology advised that the site lay within an area of high archaeological potential. They did not object to the development, but requested a planning condition requiring an archaeological investigation prior to development commencing.

The submitted arboricultural report identified five low quality trees to be removed and the Council's Trees Officer had raised no objection to this. A soft landscaping scheme requiring new trees to be planted would be secured by condition.

Turning to the planning balance, the Senior Planning Officer said that the proposal supported the viability and sustainability of the business and would make a positive contribution to local economy. While it would result in additional structures and development in the countryside, the visual impact from public highways or viewpoints would be very limited. Although there would be additional traffic movements within the vicinity of the site, on a wider scale traffic movements originating from the Barway Hostel should be significantly reduced. The LHA Transport team did not consider there would be a detrimental impact on the highway network.

On balance it was considered that the adverse impacts would not significantly and demonstrably outweigh the benefits and the proposal was therefore recommended for approval.

A Member, referring to paragraph 7.2.13 of the Officer's report, asked if the applicant had made a proper request to extend the period during which the proposed accommodation could be occupied. The Senior Planning Officer replied that the request had been received the day before his Committee report was due to be submitted. No justified essential need had been demonstrated and therefore it had not been demonstrated that the extended period of occupation complied with Policy HOU5 of the Local Plan. As the request would have required consultation, it was decided that the application should come to Committee with the information originally received. If the applicants wished to extend the period of occupation, they would have to submit a separate variation of condition application at a later date.

Another Member wished to know what would happen to the existing accommodation on the site and was advised that it would be replaced with the proposed new units.

A further Member asked about parking arrangements on site and whether people would need to use their cars much. The Senior Planner outlined the site plan and indicated where various facilities were located. He did not think they would as they would be working long hours and that car owners would only be approximately 10% of the occupiers.

A comment was also made that the number of people occupying one unit would be reduced and so they would be living in better conditions.

The Chairman said that the importance of this employer to the local economy should be recognised. 148 people would be moving from Barway to this site and the view from the public highway was fairly academic. He reiterated that Members would not be considering the late application information, but that which was before them today.

Councillor Jones wished it to be noted that his brother in law worked for Gees; the Legal Services Manager said that this was a personal interest and would not preclude him from participating in the vote.

Members were reminded that the importance of seasonal workers must not be underestimated.

It was proposed by Councillor Brown and seconded by Councillor Jones that the Officer's recommendation for approval be supported, and when put to the vote,

It was resolved unanimously:

That planning application reference 19/00100/FUM be APPROVED subject to the signing of the S106 Agreement and the recommended conditions as set out in the Officer's report, with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission.

65. 19/00447/RMM – LAND ACCESSED BETWEEN 2 AND 4 FORDHAM ROAD, ISLEHAM

Andrew Phillips, Planning Team Leader, presented a report (reference U133, previously circulated) relating to the application that was considered at Committee on 6th November 2019 and was deferred to allow the developer time to alter the layout/design in providing single storey dwellings.

With the application coming back before Members within a month and the previous committee report attached as Appendix 2, this report only covered the substantial changes.

The Committee was asked to note the following additional consultation comments which were tabled at the meeting:

- Trees Officer – states previous comments still valid;

AGENDA ITEM NO 3

- Isleham Parish Council – no objections subject that the developer passes the 5 metre buffer zone to residents of Hall Barn Road;
- Local highways Authority – states the arrangement is acceptable, but has led to Plots 119 and 120 having to reverse 20 metres to allow easy turning;
- 4 additional neighbour comments raised the following:
 - 39 properties for sale, more dwellings not required in village;
 - Additional bungalows adjacent to properties of Hall Barn Road welcomed;
 - Self builds will still cause loss of privacy and a restriction should be added to prevent loss of privacy.

The Planning Team Leader covered the additional consultation responses. The maintenance strip and its future ownership/management was covered in the S106 with the outline consent. The self builds would be considered when they came forward and the other issues would be covered in the following presentation.

A number of illustrations were displayed at the meeting, including a site location plan, aerial view, the indicative layout of the proposal and the current layout.

The main consideration in the determination of the application was the update from the November 2019 Planning Committee, this being primarily residential amenity. Plots 116 and 117 were the two storey dwellings that Members raised concerns about in relation to the impact on residential amenity, and this led to the application being deferred.

These two properties had been amended to single storey bungalows (now Plots 118 and 119) and a bungalow (Plot 111) had been added to the rear of No. 2 The Briars. The addition of the three bungalows along the western edge had led to the loss of a more even spread of bungalows across the site as the overall number proposed remained the same. However, the harm to the overall quality of the urban design was very minimal.

It was noted that the proposal would lead to the requested improvement to the residents of No. 29b Hall Barn Road and it would not create any new residential concerns elsewhere.

The comments raised by the Local Highways Authority would not justify a reason for refusal.

The Planning Team Leader concluded his presentation by saying that the proposal had been designed taking into account the constraints of the site, the requirements of the outline permission (including the S106), the

AGENDA ITEM NO 3

requirements of the statutory bodies and the comments from District Councillors at the last Planning Committee meeting.

The proposal was considered to be acceptable, subject to the recommended conditions, and was therefore recommended for approval.

At the invitation of the Chairman, Mr Robert Eburne, Planning Director for Bloor Homes Eastern, addressed the Committee and made the following comments:

- It was a credit to Officers that the application had been brought back to Committee so quickly;
- He had spoken to the neighbours and the Ward Councillor regarding the key issue and that part of the site had been reorganised;
- There were now 7 bungalows in total, with all being in a uniform area along the boundary;
- It had been possible to resolve the neighbour's concerns and there was now a good outlook with no overbearing;
- He commended the scheme to Members, saying that Bloor was a 5 star quality house builder.

In response to a Member's question regarding parking, Mr Eburne confirmed that it would be relevant to each property.

At the invitation of the Chairman, Councillor Julia Huffer addressed the Committee on behalf of Isleham Parish Council and made the following points:

- She had been following this application and had attended the meeting with Mr Eburne and the residents of Hall Barn Road;
- It had been agreed that ownership of the buffer zone was to be transferred to the residents of Hall Barn Road and The Briars;
- This had allayed some of their fears and would ensure some privacy. However, the impact on No's 3 and 5 The Briars could not be underestimated and the concerns of those most affected had only been partially addressed;
- The Parish Council had no objections to the scheme as long as the agreement was honoured.

A Member of the Committee asked Councillor Huffer what would happen if one of the residents decided to sell their property. She replied that there would be a resident's association to take over the buffer zone; this was the only compromise that could be reached. The Planning Team Leader interjected to say that the S106 Agreement permitted the buffer zone to be

sold to individuals or a management company to be set up; this presented no problem in planning terms. The Member went on to commend the pace of work since the last meeting, saying that it looked like concerns had been addressed and he was content with this.

A Member made reference to the plot of land that might become the pre-school and raised a concern regarding parking around this area. The Planning Team Leader said the current application was deferred on the basis of the concern about the bungalows. No details of the pre-school had been submitted as part of this application and there were no updates in relation to this.

It was proposed by Councillor Brown and seconded by Councillor Jones that the Officer's recommendation for approval be supported, and when put to the vote,

It was resolved unanimously:

That planning application reference 19/00447/RMM be APPROVED subject to the recommended conditions as set out in the Officer's report.

66. 19/00877/FUL – PLOT 2, SITE NORTH WEST OF 72 WEST STREET, ISLEHAM

Rachael Forbes, Planning Officer, presented a report (reference U134, previously circulated) which sought permission for a five bedroom dwelling and detached garage at Plot 2 at 72 West Street, Isleham. Plot 2 was also part of another application, 19/00366/FUL, which was for three detached dwellings on land at 72 West Street, which was split into three plots.

Members were asked to note the additional site plan which had been tabled at the meeting.

The site was located within the development envelope for Isleham, but outside of the Conservation Area. To the west of 72 West Street was a brick outbuilding which had planning consent to be converted under application 19/00366/FUL, and there was an access between the dwelling and the outbuilding. To the east of the site there was a private road serving approximately nine dwellings and there were TPO trees along the boundary of the site. To the west was a residential dwelling and its associate land, and to the north was 70 West Street, a two storey dwelling.

It was noted that the application had been called in to Planning Committee by Councillor Joshua Schumann as he believed the application was very finely balanced and the Parish Council had no objections to it, therefore it should be taken to Committee for consideration.

A number of illustrations were displayed at the meeting, including a site location map, aerial view, the layout of the proposal, proposed elevations and floor plans and photographs relating to visual impact.

The main considerations in the determination of this application were:

- Principle of Development;
- Visual Amenity;
- Residential Amenity;
- Highway Safety and Parking;
- Ecology and Trees;
- Flood Risk and Drainage; and
- Other Matters.

The Planning Officer showed Members a slide relating to the history of application 19/00366/FUL. The left hand section showed the original elevations and the right, the amended and approved design.

The site was located within the Isleham development envelope and therefore the principle of development was acceptable, subject to satisfying all other relevant material planning considerations.

In terms of visual impact, it was considered that the proposal resulted in a dwelling which was of a scale that was not in keeping with the built form in the area. It would give the appearance of a two storey dwelling in an area that was largely 1½ storey and single storey, and it would be visually prominent in the street scene. It was considered that the proposal did not provide a complementary relationship with the existing development and was therefore contrary to Policies ENV1 and ENV2 of the Local Plan 2015.

In connection with residential amenity, it was considered that there was sufficient distance between dwellings such that the proposal would not have a significant adverse impact and would provide high standards of amenity to future occupiers.

Speaking next of highways, the Planning Officer said that the proposed dwelling would be accessed from West Street, through an existing access. There was sufficient space on site for turning and parking and there was a double garage proposed. There had been no objection from the Local Highway Authority.

The Committee noted that no ecological assessment had been submitted and the application form stated that there was not a reasonable likelihood of protected or priority species, designated sites or geological features being affected by the proposed development. No further ecological information was sought at this site under the previous application 19/00366/FUL due to the site being considered unsuitable for protected species.

AGENDA ITEM NO 3

The Trees Officer had raised concerns that the proposed dwelling was too close to the Root Protection Area of the trees for protective fencing alone and the hardstanding proposed would need to be installed via reduced dig operations; these details could be secured by condition. He had also raised concerns that the proximity of the trees would result in conflict with future occupiers due to shading to the dwelling and garden, leaf litter, lack of light, blocked gutters and lack of grass. The windows on the north east elevation served three shower rooms, a utility room and a secondary kitchen window. There was a large garden area to the north west of the proposed dwelling as well as that to the north east and therefore it was considered that there would not be a significant impact to residential amenity.

The site was located in Flood Zone 1 and therefore would not require the submission of a Flood Risk Assessment. Surface water would be disposed of via soakaways, with foul water to be disposed of via the mains sewer.

The Planning Officer concluded her presentation by saying that it was considered that the proposal would result in a dwelling which was of a scale, mass and height not in keeping with the existing built form in the area. It did not reflect the surrounding residential development, it would be visually prominent within the street scene, and would present an unbroken mass of 15.3 metres at a height of 7 metres. The application was therefore recommended for refusal.

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

- He drew Members' attention to the revised location plan, which was tabled at the meeting. It showed the proposal to be in an area of significant development;
- Plot 2 occupied an area of 245 square metres and was 26.6 metres within the root protection zone;
- The applicants were currently living in Fordham but wished to return to live in Isleham;
- The design of the proposal had changed considerably and an alternative had been agreed with Officers;
- The Parish Council had raised no concerns;
- While the Trees Officer had raised concerns about leaf litter and blocked gutters, any building could suffer this issue with leaves;
- The Officer was only concerned with scale and mass. The height of the dwelling was very much 1½ storeys and would be similar to Plot 1. It was well set back and the frontage would not be contiguous;
- The length of the dwelling had been reduced, it would have timber boarding and the materials would match those in the locale;

AGENDA ITEM NO 3

- The proposed dwelling would cause no harm and was peri-urban in character.

A Member asked the Case Officer if Permitted Development Rights had been removed, to which the Officer replied that the previous application did not remove those Rights. Another Member felt that the proposal was too hard to turn down and he was not convinced that it could be refused.

The Case Officer was asked to confirm the measurements, and having re-measured the building, she confirmed that it should be 14.3 metres in length, not 15.3 metres.

A number of opposing views were expressed during the ensuing debate. Some Members thought the application should be approved as there was development all around the site, the design of the dwelling would not look out of place and it was in keeping with the area. Others were of the opinion that it would be visually prominent in the street scene and there was concern regarding the form of development on this side of West Street where dwellings were increasing in scale towards the rear.

It was duly proposed by Councillor Jones and seconded by Councillor Wilson that the Officer's recommendation for refusal be rejected and the application be granted permission. When put to the vote, the motion was declared lost, there being 4 votes for, 5 votes against and 1 abstention.

It was proposed by Councillor Trapp and seconded by Councillor Brown that the Officer's recommendation for refusal be supported. When put to the vote, the motion was declared carried, there being 5 votes for, 2 votes against and 2 abstentions. Whereupon,

It was resolved:

That planning application reference 19/00877/FUL be REFUSED for the reasons given in the Officer's report.

Members noted that there was a typographical error in paragraph 1.1 of the recommendation; the expanse of width was stated as being 15.3 metres and this would be corrected to 14.3 metres in the refusal notice.

67. 19/00939/FUL – AMANI, 43 PRICKWILLOW ROAD, QUEEN ADELAIDE, CB7 4SH

Dan Smith, Planning Consultant, presented a report (reference U135, previously circulated) which sought full planning permission for the erection of a replacement dwelling and one additional dwelling on site. A planning permission for a smaller replacement dwelling at the south western end of the site was granted under reference 16/00953/FUL but it had expired during the course of the determination of the current application.

The site was a shallow parcel of land running alongside Prickwillow Road. It was not located within any development envelope and was in the

countryside, the nearest development envelope being Queen Adelaide 700 metres to the west and Prickwillow 1.8 kilometres to the east. It was bounded to the rear by the Ely to Norwich railway line, the embankment of which stood approximately 2.5 metres above the level of the site. The site also sat below the level of Prickwillow Road and the existing vehicle access sloped relatively steeply down to the site. The land to the north and south was open and flat and the neighbouring properties were low level bungalows, with the dwelling to the south west having a large outbuilding to the side and rear. There was neither a footpath nor street lighting along the road in either direction.

It was noted that the application had been called in to Planning Committee at the request of Councillor Lis Every.

A number of illustrations were displayed at the meeting, including a map, aerial view, the layout of the proposal and elevations.

The main considerations in the determination of the application were:

- Principle and 5 Year Land Supply;
- Flood Risk and Drainage;
- Sustainability of site;
- Visual Amenity; and
- Noise.

Members were reminded that the Council was currently unable to demonstrate a 5 year supply of housing land and therefore the presumption should be in favour of sustainable development unless NPPF policies (including Flood Risk) provided a clear reason for refusal or the adverse impacts would outweigh the benefits. The proposed development would not comply with Policy GROWTH 2 which sought to direct new dwellings to the most sustainable locations within the District.

The application site was located in Flood Zone 3, meaning that it was at a high probability of surface water flooding. National and local policy required new dwellings to be located in lowest risk areas unless the Sequential and Exceptions tests were met and the applicant had included Flood Risk Assessments relating to the proposed dwellings. However, it was concluded that there were other more sustainable sites within Ely which were in Flood Zone 1 and the applicant had failed to demonstrate that the proposed additional dwellings were necessary in this location. The application therefore failed the Sequential Test for this reason. Had the Sequential Test been passed, the Exceptions Test required that that the public benefits should outweigh the flood risk. It was considered that an additional dwelling would not provide a sufficient benefit to outweigh the risk of flooding. As both tests were failed, the application was contrary to specific policies within the NPPF regarding flood risk and the tilted balance was not engaged.

AGENDA ITEM NO 3

With regard to the sustainability of the site, it was noted that it was located at least 700 metres from the nearest development envelope, where Policy GROWTH 2 restricted new residential dwellings. There was no public transport so applicants would be heavily reliant on the use of private motor vehicles. The site was along a 60mph road with no street lighting; there would be harm to the social objective of sustainable development due to the lack of access to facilities and services and harm to the environmental objective due to the overreliance on unsustainable means of transport. On this basis the site was considered to be unsustainable.

Turning next to visual amenity, the proposed development was considered to be excessive in terms of its scale and design. The design was convoluted and out of character with the dwellings along this part of Prickwillow Road and an additional dwelling would overly urbanise the street scene, contrary to the current pattern of development.

Given the proximity of the railway line to the proposed dwellings, there was significant potential for noise disturbance to the occupiers of the properties. This would require mitigation but it was considered that acceptable internal night time noise levels could not be achieved with windows open, thereby resulting in a poor level of amenity for occupants.

The submitted Noise Impact Assessment stated that the impact of the railway line on noise levels would be acceptable subject to the installation of a 2 metre high acoustic fence. However, given that the fence would be located at the bottom of the 2.5 metre high embankment, it was considered that screen fencing would be ineffective.

It was therefore considered that the proposed development was contrary to Policies ENV 2 and ENV 9 of the Local Plan 2019.

In connection with other matters, it was noted that safe access and adequate parking and turning would be provided on site to serve both dwellings and as the site was of low ecological value there would be limited opportunities for enhancement. There would be no significant impact on the residential amenity of neighbouring properties from the proposed dwellings and the development was not at significant risk from land contamination.

The Planning Consultant concluded his presentation by saying that the tilted balance within the NPPF was not engaged as the application was contrary to specific NPPF policies related to flood risk. In any case, the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme and the application was therefore recommended for refusal.

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

- The site was in a defended flood zone and the Flood Risk Assessment had been accepted by the Environment Agency;
- There were not more acceptable sites available, and besides which, developments had been permitted in Great Fen Road, Soham

AGENDA ITEM NO 3

- There were three elements to sustainability and this proposal supported the social aspect. Not everyone wanted to live in an urban area, some people worked from home and this property would receive postal and other deliveries;
- The Council could not currently demonstrate a 5 year supply of land for housing;
- Planning permission was granted for a replacement dwelling on the site under reference 16/00953/FUL;
- Each dwelling had a lesser footprint;
- There was an eclectic mix of dwellings in the locale;
- The context of the design was a safe route but with a contemporary twist;
- All plots had amenity space on all sides and the occupants of the dwellings would have an alternative source of ventilation;
- His clients would be happy to install acoustic fencing.

In response to a question from a Member, Mr Fleet confirmed that the floor level would be increased to 300mm above that required by the Environment Agency. Another Member, citing the issue of a sustainable location, said that Mr Fleet should accept that this Committee was looking at the location stated in the Officer's report, not elsewhere. Mr Fleet replied that the application should be judged on its own merits.

A Member expressed concerns about the noise levels and said they would be the same no matter how close the building was to the railway line. Mr Fleet had no comments in relation to this statement.

At the invitation of the Chairman, Councillor Lis Every addressed the Committee in her capacity as a County Councillor and made the following remarks:

- She had called in this and the following application in her capacity as a County Councillor;
- She had a huge regard for the Planning department and she was aware that Officers had to follow policies, but this could lead to differences of opinion;
- She had been following the applications as at one point they fell within her Ward boundary;
- Queen Adelaide had a strong community. She knew it very well and the additional two houses would be well received;

AGENDA ITEM NO 3

- The charm of the area was its wide mix of dwellings, so she found it difficult to understand why it would be refused on the grounds of scale and character;
- The new dwelling was acceptable in visual terms, scale, mass, design and impact on flooding;
- There had been no adverse responses from consultees, the City of Ely had no objections and the application should be considered on its own merits. In addition the risk could be mitigated against.

The Planning Consultant reminded Members that the Environment Agency did not apply the Sequential Test, as this was for the Local Planning Authority to do. A lack of comment was not a tacit implication that the Test had been passed. Raising the levels would not deal with the issue of wider sustainability to the community and with regard to amenity, Officers did not believe that the garden would be free of noise disturbance. The provisions of the NPPF applied.

Andrew Phillips, Planning Team Leader, highlighted a typographical error in paragraphs 1.1.3 and 1.1.4 of the recommendation. Each referred to the 'NPPF 2018', and should instead read 'NPPF **2019**'.

In response to a Member's question regarding the height of the new dwelling and whether it would be higher, the Planning Consultant confirmed that the dwelling would be 0.5 metres higher than previously approved. Mr Fleet reconfirmed that the dwelling would be 200 – 300mm higher. The Planning Consultant also stated that the floor levels would be raised by 1 metre plus an additional 300mm (internal floor level).

A Member asked to see the slide of the site plan again and asked if the Permitted Development Rights would be retained as part of the previous permission. The Planning Consultant replied that the permission did not withhold them, so the applicant could extend if he wished; however, he could not extend the ridge heights.

The Vice Chairman commented that there had recently been much in the news about flooding and the effect it had on peoples' lives. She reiterated the importance of Members going on site visits and said that she would be very concerned about the risk to the community as this site was located in Flood Zone 3. Community spirit would not be encouraged by using cars, there would be a huge impact on visual amenity and noise disturbance would also have an impact. In the light of this she was minded to support the Officer's recommendation.

One Member stated he agreed with Councillor Stubbs' comments. Another raised concerns over noise saying that this proposal was not suitable for a family. A third Member concurred with Councillor Stubbs and added that a better quality of housing should be supported.

The Chairman stated he believed the proposal should be refused and this application highlighted the importance of site visits.

It was proposed by Councillor Stubbs and seconded by Councillor Jones that the Officer's recommendation for refusal be supported, and when put to the vote,

It was resolved unanimously:

That planning application reference 19/00939/FUL be REFUSED for the reasons given in the Officer's report with the corrections to the date of the NPPF.

68. 19/00940/FUL – 43 PRICKWILLOW ROAD, QUEEN ADELAIDE, CB7 4SH

Dan Smith, Planning Consultant, presented a report (reference U136, previously circulated) which sought full permission for the erection of a replacement dwelling on site. A planning permission for a smaller replacement dwelling was granted on the site under reference 16/00953/FUL, but this had expired during the course of the determination of the current application.

The site was a shallow parcel of land running alongside Prickwillow Road bounded to the rear by the Ely to Norwich railway line, the embankment of which stood over 2 metres above the level of the site. The site also sat below the level of Prickwillow Road and the existing vehicle access sloped relatively steeply down to the site. The land to the north and south was open and flat and the neighbouring properties were low level bungalows, with the dwelling to the south west having a large outbuilding to the side and rear. There was neither a footpath nor street lighting along the road in either direction and the site was located entirely within Flood Zone 3.

The site was not located within any development envelope and was in the countryside, being 700 metres from Queen Adelaide to the west and 1.8 kilometres from Prickwillow to the east.

It was noted that the application had been called in to Planning Committee at the request of Councillor Lis Every.

A number of illustrations were displayed at the meeting, including a map, aerial view, the layout of the proposal and elevations.

The main considerations in the determination of the application were:

- Previous permission and Principle;
- Visual amenity; and
- Other matters.

The Planning Consultant stated that there had previously been a small bungalow on the site which had now been removed. While there was general policy support for a replacement dwelling, the scale of the replacement was considered to be excessive given the low level of the neighbouring bungalows and the limited scale of the replacement. The design of the proposal was convoluted and not in keeping with the modest and simple dwellings which

characterized the development along this part of Prickwillow Road. It would cause significant harm to the visual amenity and character of area and this would be exacerbated by the need to raise the land levels and finished floor levels significantly above those current established on site as the visual impact of the development would be increased.

The submitted Flood Risk Assessment proposed that the finished floor levels of the dwelling would be 1 metre above the existing ground level and that flood resilient construction would be up to 300mm above the finished floor level. There would also be a first floor refuge if flooding was to occur, and this was something not offered by the bungalow which previously occupied the site. Arrangements for adequate foul and surface water drainage on site could be secured by condition. It was therefore considered that the proposed development was acceptable in terms of flood risk and drainage.

The Planning Consultant concluded his presentation by saying that in weighing the benefits and adverse impacts on the tilted balance, as required by the NPPF, it was considered that the benefits of the scheme were relatively limited although some weight was given due to the Council's inability to demonstrate a 5 year supply of housing land. The harm would significantly and demonstrably outweigh the benefits of the proposal and would conflict with the environmental objective of sustainable development. The application was therefore recommended for refusal.

It was noted that the typographical error referring to 'NPPF 2018' in the reason for refusal would be corrected to read 'NPPF **2019**'.

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

- Application 16/00953/FUL for a chalet bungalow had been granted approval on 22nd September 2016. A Flood Risk Assessment had been submitted with the application;
- The previous application had started on time;
- There would be a traditional gable to gable clad in facing brick;
- The eaves height was less, the overall height was three bricks higher (0.2 metres), and the main bulk would run parallel to the road;
- Prickwillow Road was an eclectic mix of dwellings ranging from traditional to contemporary, and this scheme would have a more contemporary twist;
- The mass would be reduced by a hipped end and the materials would reflect the fenland setting. The floor level would be exactly the same as the previous 2016 application.

AGENDA ITEM NO 3

At the invitation of the Chairman, Councillor Lis Every addressed the Committee in her capacity as a County Councillor and made the following remarks:

- She urged Members to consider that this was a replacement dwelling and this was why she called in the application;
- It would provide a family home and the design was acceptable;
- There had been no adverse response from consultees and the City of Ely Council had no objections to the scheme and no objections had been raised by neighbours.

A Member noted that while planning permission had been granted three years ago, piling had only just commenced. He thought that given this length of time, it surely negated the need for another dwelling on the site. Councillor Every replied that it would be a larger house and would be well received. The Planning Consultant interjected to say that the previous approval was given under the policy which allowed dwellings in the countryside and allowed for some enlargement to bring homes up to a modern standard of living. The additional height had been accepted on that occasion but the additional scale now proposed and design were out of keeping, with the design being overly complicated. The increases might seem relatively small but a decision had to be made relative to the original bungalow, not the previous replacement permission.

Members were advised that flood risk and noise disturbance fell away as reasons for objection as it was the view of Officers that residential use would be appropriate on the site given the historic use and previous replacement permission. Weight should be given to the fact that there had previously been a dwelling on the site. A landscaping condition would be applied and the hedging to the front of the site would not be removed to allow development of the site.

Following discussion over the length of time a hedge could be protected, Andrew Phillips, Planning Team Leader, commented that landscape was usually only protected for five years and longer periods of time should be clearly justified.

One Member considered the design to be convoluted and felt that the proposal would be overbearing if permission was granted. The Planning Consultant replied that on paper there was nothing wrong with the design of the dwelling but it was just not in keeping with the location.

Other Members believed that there was no reason to refuse the application as there was already a wide variety of house designs in the area and this would complement the variance; one made the point that a smaller dwelling had been approved and this was more suburban and he was therefore minded to support the Officer.

Councillors Wilson and Stubbs considered that the Officer's recommendation should be supported.

AGENDA ITEM NO 3

It was duly proposed by Councillor David Ambrose Smith and seconded by Councillor Edwards that the Officer's recommendation for refusal be rejected and the application be granted approval.

The Planning Team Leader provided advice on when Members were seeking to overturn an Officer's recommendation. He also reiterated that Policy HOU8 related to the original dwelling, not the previous approval.

There was comfort break between 4.20pm and 4.30pm.

Members then returned to the motion for approval which was declared carried, there being 6 votes for and 4 votes against.

It was resolved:

That planning application reference 19/00940/FUL be APPROVED for the following reasons:

- 1) The dwelling does not constitute a significant and demonstrable harm; and
- 2) The benefits of the size and scale are in accordance with Policies HOU8, ENV1 and ENV2 and the adverse impacts do not outweigh the benefits.

At this point the Planning Consultant asked the Committee to specify whether or not Permitted Development Rights should be removed from the permission.

It was proposed by Councillor Brown and seconded by Councillor Christine Ambrose Smith that they be retained, and when put to the vote, the motion was declared carried with 8 votes for and 2 votes against. Whereupon,

It was further resolved:

- a) That the Planning Manager be given delegated authority to impose suitable conditions; and
- b) That Permitted Development Rights be retained.

69. 19/01115/OUT – SITE NORTH OF 55 POUND LANE, ISLEHAM

Catherine Looper, Senior Planning Officer, presented a report (reference U137, previously circulated) which sought outline consent for the construction of two dwellings adjacent to the site of a recently permitted dwelling. The matters to be considered were access, appearance, layout and scale. The two dwellings would share a vehicular access.

Members were reminded that this application had been submitted following the refusal of an earlier application for two dwellings on the site.

The site was located toward the north of Isleham and was in close proximity to the development envelope. It was currently vacant and enclosed

by a well-established hedge. Isleham had a mixture of dwelling types and designs near this location, which were generally set back a short distance from the public highway.

It was noted that the application had been brought back before Members as it had previously been determined at Committee.

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

The main considerations in the determination of the application were:

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

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

As the site was located in close proximity to the settlement boundary and the services and facilities on offer in Isleham, the principle of development was considered acceptable subject to compliance with other local and material planning policies and all other material considerations that formed part of the planning balance for the application.

With regard to residential amenity, the drawings submitted showed that a suitable relationship between the dwellings could be achieved in order to prevent detrimental impacts on neighbouring properties. The dwellings were modest in scale and were positioned to ensure that habitable rooms did not overlook neighbouring amenity areas. The application proposed suitable plot sizes and amenity spaces.

In connection with visual amenity, the application site was located in close proximity to the settlement boundary, and in turn had access to the services and facilities in Isleham. The proposal would contribute to the local housing supply and would also be beneficial in the short term to the local economy through the construction stage.

Turning next to visual impact, the drawings submitted show a limited level of glazing to the road-facing elevations of the proposed dwellings, to retain a more rural appearance within the street scene. The scale of the proposed dwellings was considered to be appropriate and the retention of the established boundary hedging would help to assimilate the built-form into its surroundings. The retention of this hedge could be secured by condition to

prevent removal. Although the introduction of built-form would create a change to the appearance of the settlement edge, the single storey scale of the plots indicated a stopping point of built-form and provided a step down from the adjacent two storey dwellings.

It was noted that the Local Highways Authority had been consulted and had raised no objections in principal to the application. Conditions are recommended to ensure that the proposal did not create impacts on highway safety. The proposal provided sufficient parking spaces for the proposed dwellings, and therefore highways matters were considered to be acceptable.

The Senior Planning Officer concluded her presentation by saying that the principle of development at the site was considered to be acceptable. The proposal was not considered to create significantly harmful impacts on the residential amenity of nearby occupiers or on the visual character of the area. The application was therefore recommended for approval subject to the recommended conditions as set out in her report.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham & Isleham, addressed the Committee and read out the following prepared statement:

'The Parish Council has consistently objected to proposals for development on this site because of its detrimental impact on our village.'

The reason given for refusal of the previous application was that 'The proposal would create a visual intrusion of built form into the open countryside which would be significantly harmful and detrimental to the character and appearance of the area and the settlement edge, which is also exacerbated by the overdevelopment of the site.'

This proposal remains of the same scale as the previous application. Therefore the reason for that refusal remain valid.

The report accepts that it will create a change to the settlement edge but is deemed acceptable because of the more rural design and the substantial boundary hedging around the site. However the advice from the Council's Trees Team in the report clearly states that further development of this site will not assimilate into the landscape. There is no reference to its visual impact from any point other than that of neighbouring properties.

This site is next to the main entrance to our village from Ely and Soham and those travelling benefit from wide ranging views along Prickwillow Road and Knaves Acre Drove. Additionally the visual impact from Coates Drove and Little London Drove is clear. These Drovers are heavily used for walking. They offer wide ranging views uncluttered by development and are part of the 'open space' of the village for the benefit of all.

The Local Plan Policy ENV1 relates to landscape and settlement character. It states within it that proposals for development should be informed by, be

sympathetic to, and respect the capacity of the distinctive character areas including the following:

- *The settlement edge and their wider landscape setting;*
- *Key views into and out of settlements.*

There is no reference to this policy within the report and Members who have had the opportunity to visit the area looking over the site from these Drovers and driving to the village will recognise that the proposal would create a visual intrusion of built form into the open countryside which would be significantly harmful and detrimental to the character and appearance of the area and the settlement edge.

I would therefore ask Members to take this fully into account and recognise, as set out in the National Planning Policy framework, that the adverse impacts of granting permission will significantly and demonstrably outweigh the perceived benefits and refuse this application.'

Councillor Huffer stated that as a Ward Member, she supported the Parish Council one hundred percent. The Parish Council were careful when they objected and the site would no longer be countryside.

The Senior Planning Officer did not agree that the application site was in open countryside as the land had been used as garden land and was hedged in. The Trees Officer had commented that the Laurel hedging was not in keeping with the rural nature of the site, but it was very mature and its removal would be resisted.

A Member wondered whether trees could be added to the condition relating to landscaping and the Senior Planning Officer said that this would be flagged up with the agent; the retention of the hedge would be also conditioned.

Referring to the two previous refusals of permission, the Chairman remarked that the applications were for full sized houses. The Senior Planning Officer responded saying that the previous scheme in 2018 was for 3 dwellings. However, this recommendation was for approval of two dwellings and they were now single storey.

The Vice Chairman said that the Committee listened when Parish Councils made statements, but if Members wished to refuse an application they needed good reasons for doing so. In this instance, she could not support the Parish Council and was minded to support approval of the scheme.

Another Member, having noted that this was an outline application, suggested that changes could be made to appearance when the full application came back to Committee. The Senior Planning Officer reiterated that appearance was being considered today; the design before Members today was the one they would be approving. The elevations would be fixed and landscaping would be addressed at the Reserved Matters stage; the

recommended Condition 2 would be updated and Condition 6 to state that the landscaping scheme was to be submitted as part of any Reserved Matters application.

In proposing that the Officer's recommendation for approval be supported, Councillor Brown said he had huge sympathy for the Parish Council, but he did not feel there were reasons enough to go against the Officer's recommendation.

Councillor Jones seconded the motion saying that he sympathised with Councillor Huffer but he felt the screened aspect would not affect key views.

When put to the vote,

It was resolved unanimously:

That planning application reference 19/01115/OUT be APPROVED subject to the recommended conditions as set out in the Officer's report and as updated by the Case Officer during the meeting to amend the wording of Condition 2 which related to the matters to be submitted as part of a reserved matters application, and Condition 6 which was to be amended to read that as part of any reserved matters application a soft landscaping scheme should be submitted.

70. 19/01395/FUL – 3 HALL LANE, BURWELL, CB25 0HE

Rachael Forbes, Planning Officer, presented a report (reference U138, previously circulated) which sought permission for a change of use of the existing annexe to an independent residential dwelling.

A single storey annexe was granted permission under application 14/00628/FUL in 2014 and a two storey annexe (reference 16/01407/FUL) was approved in 2016.

The site was situated within the development envelope of Burwell and outside of the Conservation Area. The annexe was at the bottom of the rear garden of 3 Hall Lane and had its own access from Dark Lane along a Public Right of Way.

Dark Lane was an unadopted public byway, characterised by the rear of residential dwellings and the associated outbuildings, boundary treatments and vegetation. There were single garages and another annexe building, which was a garage with annexe above.

The application was called in to Planning Committee by Councillor David Brown as he believed there were matters of principle associated with this application that deserved to be considered by the Committee.

A number of illustrations were displayed at the meeting including a map of the location, aerial view, the layout, and the elevations.

The main considerations in the determination of the application were:

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

Speaking of the planning history, the Planning Officer said that the annexe/outbuilding of application reference 14/00628/FUL had been designed in such a way that it could be converted to a garage in the future. However, application reference 16/01407/FUL was submitted as the annexe had not been built in accordance with the approved plans and sought retrospective permission. Permission for a change from single storey annexe to a two storey annexe to provide habitable accommodation for a full time care worker was approved.

The site was located within the Burwell development envelope and therefore the principle of development was acceptable subject to satisfying all other relevant material planning considerations.

Members were shown a number of photographs relating to visual amenity. The Planning Officer said that the annexe was accessed from Dark Lane, a public byway for all traffic from Spring Close to High Street. Vehicular traffic could not access the High Street from Dark Lane as there were bollards in place to prevent this. The dwellings situated on Hall Lane and The Paddocks back onto Dark Lane. Dark Lane was characterised by vegetation/trees and boundary treatments such as close board fencing. There were single garages present at other properties that are accessed from Dark Lane and a 1.5 storey detached garage and annexe at number 7 Hall Lane, approved under application reference 16/00664/FUL. While the building was already present and there were no changes proposed to the building itself, it was considered that its use as an independent dwelling would not be in keeping with the character and appearance of the area. The character of Dark Lane was a narrow public byway which very clearly consisted of the rear of residential dwellings and their associated outbuildings/boundary treatments. It was considered that the use of the annexe as an independent dwelling would result in the introduction of a type of backland development which was not characteristic of Hall Lane. It was also considered that while the design of the proposal was appropriate for an outbuilding/annexe with the potential to return to a garage, it was not considered to reflect the form of any of the adjacent

dwellings in character and appearance and does not provide a complimentary relationship with its surroundings. It therefore failed to comply with policy ENV 2 of the Local Plan.

With regard to residential amenity, the proposal was not considered to result in a significant impact to the amenity of neighbouring dwellings. However, it was considered that it provided a poor standard of amenity to future occupiers by virtue of a small plot and garden space and a poor outlook from the first floor bedroom.

Concerns had been raised about the suitability of Dark Lane as an access as it became churned up when wet and this would make access difficult. The Lane was an unadopted path and bridleway, which provided access to the rear of the properties at Hall Lane. The Local Highway Authority had been consulted as part of the application and commented that while they did have reservations regarding the suitability of Dark Lane as a residential access, it appeared to have established use by this and other properties.

They commented that the approval granted under reference 14/00628/FUL appeared to recognise independent access and parking for the two buildings and no significant increase in use was likely to result from the proposal. While the turning length was not ideal, the additional width available should make it workable. Visibility accessing Dark Lane was not ideal although this application was not changing the existing situation and on this basis, they had no objections.

Two parking spaces had been provided on site in accordance with the Council's parking standards.

It was noted that the County Council Definitive Map team had no objections to the proposal.

The site was in Flood Zone 1 and as the building was existing, it was considered highly unlikely that it would adversely affect protected species.

The Planning Officer concluded her presentation by saying that while there were no changes proposed to the existing building, it was considered that the use of the annexe as an independent dwelling would not be in keeping with the character and appearance of the area. The annexe was not intended to be a separate dwelling and was granted approval on the basis that it complied with policies as an annexe, in connection with the host dwelling.

The proposed development would not reflect the dwellings in the street scene due to its design and location and it was read as an outbuilding subservient to the main dwelling. It failed to offer a high standard of amenity for future occupiers and was contrary to Policies ENV1 and ENV2 of the Local Plan 2015; it was therefore recommended for refusal.

The Chairman adjourned the Committee and left the room at 5.07pm and returned at 5.09pm.

AGENDA ITEM NO 3

At the invitation of the Chairman, Mr Michael Hendry, agent, addressed the Committee and made the following comments:

- He wished to contest a number of points that had been made;
- The issue was simply who could occupy the annexe. The building existed, it had its own facilities and no changes were proposed, save an increase in the garden;
- There would be no adverse impact on the area;
- The proposal complied with building regulations;
- Highways and the Rights of Way teams had no objections;
- There would be no significant impact on the traffic on Dark Lane;
- The proposed scheme fronted an existing byway so saying it was backland development was misleading;
- The Council could not demonstrate a 5 year supply of land for housing;
- The proposal had been considered acceptable in principle.

Mr Hendry gave the following responses to a number of comments and questions from the Committee:

- The fence had been moved back to extend the garden, which would be 300 square metres;
- The Design Guide said that a dwelling should occupy $\frac{1}{3}$ of the plot;
- Residents would bring their refuse bins to the nearest accessible highway. This could be either Spring Lane or the High Street;
- Parking was already available on site for contractors and space would be made available for them to leave their supplies;
- The annexe was currently vacant as the occupant had died;
- Waste and recycling would be collected on the High Street.

A Member asked the Planning Officer if she thought a precedent would be set for the rest of the Drove if the application was to be approved. She thought it would, but advised that the application had to be judged on its own merits. She also responded to a question from another Member, saying that although the Lane became churned up in wet weather, the Local Highways Authority had raised no objection to the scheme.

The Chairman asked, and the Planning Officer confirmed that the owner could not rent out or sell the annexe as a separate property; its use was ancillary to the main dwelling.

During the course of debate a number of differing views were put forward.

A Member supported the recommendation for refusal saying that the Parish Council objected to the scheme and neighbours had expressed concerns. The byway was used by a number of people and it was felt that approving the application would set a precedent for the rest of Dark Lane. Other Members concurred, adding that the annexe had been built in good faith to be used as an annexe, but it never seemed to have been used for what it was intended.

One Member said that in his opinion, the annexe should never have been approved in the first place, but he did not agree with the recommendation for refusal. Another agreed, saying that it would be a perfectly good house for a couple; it should be brought back into use and there should be more of them.

The point was made that the annexe should be closer to the host dwelling and that granting approval would set a precedent. The Chairman commented that this was a good example of why call-ins to Committee were important.

It was duly proposed by Councillor Edwards and seconded by Councillor Austen that the Officer's recommendation for refusal be supported, with the addition of a further reason: *It would set a precedent for the rest of the street.*

When put to the vote, an equality of votes was declared, there being 5 votes for and 5 votes against the motion.

The Chairman used his casting vote to support the Officer's recommendation, whereupon,

It was resolved:

That planning application reference 19/01395/FUL be REFUSED for the reasons given in the Officer's report, and the following additional reason:

- It would set a precedent for the rest of the street.

71. PLANNING PERFORMANCE REPORT – OCTOBER 2019

The Planning Team leader presented a report (reference U139, previously circulated) which summarised the planning performance figures for October 2019.

AGENDA ITEM NO 3

It was noted that the Department had received a total of 226 applications during October 2019, which was a 3% decrease on October 2018 (233) and an 11% increase from September 2019 (203).

An Enforcement Notice, effective from 7th November 2019, had been issued in respect of a shop front in Coronation Parade, Ely.

The appeal hearing for applications 17/02217/OUM and 18/01611/OUM (Site south of 85 – 97 Main Street, Witchford) had been arranged for 15th January 2020 and would be held in the Council Chamber at the Council Offices, starting at 10.00am.

It was resolved:

That the Planning Performance Report for September 2019 be noted.

The meeting closed at 5.30pm.

MAIN CASE

Reference No: 19/00269/FUL

Proposal: Demolition of existing building and construction of new community centre and flat

Site Address: 34 Broad Street Ely Cambridgeshire CB7 4AH

Applicant: Ely Muslim Community Association

Case Officer: Andrew Phillips, Planning Team Leader

Parish: Ely

Ward: Ely East

Ward Councillor/s: Matthew Downey
Lis Every

Date Received: 28 March 2019

Expiry Date: 17 January 2020

[U144]

1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Hours of use
- 4 Surface and Foul Water
- 5 Archaeology
- 6 Construction Environmental Management Plan
- 7 Construction/demolition times
- 8 Piling
- 9 Fenestration details
- 10 External materials
- 11 No amplified noise
- 12 Biodiversity improvements
- 13 Parking provision

2.0 **SUMMARY OF APPLICATION**

2.1 The proposal is for the demolition of a Victorian two storey terrace property and the construction of a three storey (including basement) designed to look like a pair of

Victorian dwellings. However, the internal use will be a flat on the 1st floor with a D1 Use Class (Non-Residential Institution) being in the ground and basement level.

2.2 The application has been amended to overcome the concerns raised over detrimental impact to the visual/historic character of the area and the applicant has provided additional information to cover noise/disturbance issues raised.

2.3 Councillor Every has sought this application to be called in to be determined by planning committee in order that all planning considerations are fully explored, including opening hours.

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

3.0 PLANNING HISTORY

3.1 No planning history on site. Relevant planning history in the local area:

08/00009/FUL	First floor rear extension to form additional residential unit, rebuilding of ground floor on footprint of existing conservatory that is to be demolished.	Approved	28.02.2008
14/01123/FUL	First Floor Rear Extension forming New Residential Unit along with re-building of Ground floor on footprint of Conservatory to be Demolished.	Approved	03.12.2014
17/00915/FUL	Change of layout of previously approved application reference 16/01539/FUL	Approved	13.07.2017
11/00205/FUL	Change of use of A1 retail to D2 gym	Approved	08.06.2011

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is within the settlement framework of Ely and is within the conservation area. The site is located within Flood Zone 1.

4.2 To the rear of the site is Forehill Car Park and beyond this to the northwest is Ely Cathedral (Grade I Listed Building).

4.3 Broad Street defines the front boundary (southeast). The side boundaries are defined by attached properties that are both a mix between C3 (Dwellings) and A5 (Hot Food Takeaway).

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.

Ely City Council - 16 April 2019

It has no concerns over this application.

4 June 2019 – No concerns regarding the amendments to this application.

30 July 2019 – It has no concerns regarding the amendments to this application.

20 December 2019 – Has consulted councilors and confirms there are no objections to this proposal.

Cllr Lis Every – 18 May 2019

Seeks the application to be called in.

23 December 2019

States:

“Please add to the above the reasons for calling it in as below

In the interests of public debate on this application and to assure all planning considerations are fully explored including hours of opening.”

Local Highways Authority - 29 April 2019

It has no objections in principle to this application.

Provides guidance on highway legislation in relation to what is offence.

Cambridgeshire Archaeology - 8 April 2019

States that area is in a high level of archaeological potential and seeks a pre-commencement (including demolition) condition to ensure suitable archaeological investigation.

22 July 2019

Amendments do not alter previous advice.

Conservation Officer – 24 April 2019

States that the properties along Broad Street historically mark the boundary between the cathedral precinct and an area of industry around the river.

The proposal is a facsimile to the existing property and while “this a very literal approach to contextualism, it seems rather a missed opportunity”.

The Conservation Officer continues to state:

“it would be far better if the buildings main entrance were in the Broad Street elevation and it honestly expressed its identity as a public building with a logical hierarchy between front and back. Broad Street has more than enough variety to accommodate this within the envelope of No.34’s frontage...

As designed, the scheme is disproportionate and over dominant.”

16 August 2019

States:

“NB The 'lower ground floor' is more properly described as a basement in normal architectural usage.

Whilst the excavation now proposed reduces the building's net bulk, the amendments do nothing to address its flawed design strategy, itemised in the previous response. The token decorative elements introduced on the street elevation are particularly incongruous in the context of a conventional terraced house.

The proposal has great potential but in setting its design ambitions so low, it remains a missed opportunity. As submitted, the scheme neither preserves nor enhances the Ely conservation area and does not begin to meet the NPPF's design objectives.

Recommendation: objection”

23 December 2019

States:

“The latest revisions have improved the composition of the elevations, and the Broad Street elevation is now a reasonably faithful facsimile of the paired C19 cottages in the area. However whilst this may work on a narrowly contextual level, the previously expressed reservations about the design strategy in terms of orientation, circulation and quality of internal spaces remain. Clearly the scheme’s architectural shortcomings must be balanced against the benefits of the amenities it provides, but regrettably it still cannot be supported as it stands from a conservation perspective.

Recommendation: objection”

Environmental Health - 5 April 2019

Recommends a condition to control when construction work can take place and seeks to control the method of piling if required.

Environmental Health - 15 May 2019

Suggest a condition or informative is used to ensure exit doors should be fitted with self and soft closing mechanisms, as well as windows being kept closed outside of the hours 07:30 – 18:00.

Is in support of the recommendations made within the Noise Impact Assessment prepared by Nova Acoustics (Dated 2nd April 2019).

Environmental Health - 17 July 2019

States:

“The only thing I'd wish to add to my previous comments are that if a basement is to be created it would be sensible to ask for a Construction Environmental Management Plan (CEMP) to be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).”

Environmental Health Officer (Commercial) – Requests an informative to ensure the site meets with relevant food, health and safety legislation.

Waste Strategy (ECDC) - 25 April 2019

States that the design has given no indication of where waste for either the flat or community centre will be stored. Collection via Forehill car park that may cause a hazard to vehicles and pedestrians.

Any waste from the community centre will be classed as trade waste and will need suitable collection.

The waste from the flat will be collected from Broad Street but should be kept within the property until the collection day.

Technical Officer Access - 17 April 2019

Provides guidance on the details of access, including main entrance doors, platform lift and lift.

Anglian Water Services Ltd - No Comments Received

- 5.2 Neighbours – 11 neighbouring properties were notified directly and the responses received are summarised below. In addition an advert was published on the 11 April 2019 in the Cambridge Evening News and a site notice put up on the 18 April 2019. A full copy of the responses are available on the Council's website.

36-38 Broad Street (Fortune Garden) – 19 April 2019

Is very concerned over the proposal and strongly opposes the proposal on the grounds of:

- Parking in the area is a problem.
- Will harm their business, due to lack of parking.
- Health and pollution issues from litter.
- Community centre will increase noise and disturbance.
- Area suffers from sewer floods.
- Loss of light and privacy to their property.
- Structural concerns.
- Loss of property value.

20 July 2019 – Has great concern over the proposed basement and wants to be able to see any engineers report.

38 Broad Street – 25 April 2019

Expects compensation if any damage is caused to their property.

20 December 2019 – Objects on the basis that building work might cause subsidence in the future.

32 and 32A Broad Street – 22 April 2019

Is supportive of the application but does have some concerns over the proposal:

- Is worried about the demolition and construction work, including the likelihood of piling will have on their property.
- Has gained permission for a two storey rear extension and wants the amenity of the extension to be protected.
- If the footpaths are closed during construction will affect the businesses in the area.
- Raises flooding concerns.

32 Broad Street (Ely Spice) – 7 May 2019

States that the long term benefits will outweigh the harm to their business.

28b Broad Street – The benefits of the proposal outweigh the small impact to one of their windows. Supports the proposal.

34 Broad Street – 9 November 2019

Objects to the proposal on the grounds of highway capacity, safety and parking

37 Broad Street – 14 November 2019

Objects to the proposal on the grounds that Broad Street is one of the busiest streets in Ely, which already has parking and transport problems (including heavy footfall).

The Maltings car park is required for people parking there in the early morning for work.

Broad Street is not the area for a community centre.

44 Broad Street – 23 October 2019

Strongly objects to the proposal on the grounds of:

- Harm to the character of the conservation area.
- It will lead to demolition of nearby dwellings to allow the extension of the building in the future.
- With the road busy and the car park getting full from early morning, would lead to parking in dubious areas and cause traffic obstructions.

Site is already being used for morning prayer and the site is a mosque. The use of the word community centre is being used to reduce the number of objections.

States that the Council has not consulted widely enough and believes it is seeking to rush through the application before anyone can object to it.

23 Columbine Road – 8 May 2019

Supports the application, as it will have good transport links.

It will also provide a perfect place for the Muslim community to worship, as well having social and educational space. The space can also be used by the wider community.

The Paradise Centre, Newnham Street – 24 April 2019

Is in support of this application, as the same prayer group has often used their facilities. While they don't want to lose this groups custom, understands that they require a facility that will be suitable for the prayer group's customs/privacy.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
GROWTH 6	Community-led development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings

ENV 14	Sites of archaeological interest
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2019

Chapter 2	Achieving sustainable development
Chapter 4	Decision Making
Chapter 5	Delivering a sufficient supply of homes
Chapter 7	Ensuring the vitality of town centres
Chapter 8	Promoting healthy and safe communities
Chapter 9	Promoting sustainable transport
Chapter 11	Making effective use of land
Chapter 12	Achieving well designed places
Chapter 14	Meeting the challenge of climate change, flooding and coastal water
Chapter 15	Conserving and enhancing the natural environment
Chapter 16	Conserving and enhancing the historic environment

6.4 Planning Practice Guidance

National Design Guide

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The proposed development seeks to demolish the existing dwelling (C3 Use Class) and rebuild to Non-Residential Institution (D1 Use Class)/ dwelling (C3 Use Class).

7.3 Whether the D1 Use Class is used as a community centre or as a place of worship is immaterial to the determination of this application, as both these uses fall under the same use class. However, the use of a place of worship for the Islamic faith would require longer hours of use than what is normally allowed for a community building in a residential area; the details of this is more specifically covered in the residential amenity section of this report.

7.4 The site is located just outside of the city centre (Fore Hill defining both the southern and eastern edge). However, it is noted that the site is also sited between the city centre, the commercial river side (Ship Lane and Waterside) and the railway station. It is also noted that Broad Street has takeaways, office space, car repair service

and a church (St Peters in Ely). While Broad Street is not purely residential, it is significantly more residential in character than Fore Hill that it joins onto.

- 7.5 Policy COM4 seeks new community facilities to be within the settlement boundary, be well located and accessible (including by foot/cycle), no adverse impact on traffic generation, no significant adverse impact upon the character of the area/residential amenity and be designed to accommodate adaption and long term use.
- 7.6 The site is considered to be in a sustainable location with easy access by foot and cycle (including from the railway station). It also has two public car parks (Fore Hill and Ship Lane) in the locality. While concern has been raised regarding a lack of spaces within these public car parks, they are by definition public and apart from some controls to prevent use as commuter parking (other parking within Ely designed for this) they can be used by everyone equally.
- 7.7 The replacement of one two storey dwelling to a flat will have a neutral impact upon housing figures and on this basis the lack of the Council's five year land supply is considered to be immaterial in determining this application.
- 7.8 The remainder of the considerations of policy COM4 will be covered in greater detail below. However, the principle of the development is considered to be acceptable.
- 7.9 Residential Amenity
- 7.10 The area is primarily residential in character and it would reasonably be expected that external noise levels will be in keeping for this character. So while you might expect high levels of disturbance within the centre of a settlement with a large number of late night uses, it would not be expected here.
- 7.11 Community buildings can be sited within or close to residential areas and there are examples in the local area where non-residential uses have been approved. However, these non-residential uses opening hours were controlled to prevent very early morning or late night disturbance.
- 7.12 It is noted that the Islamic faith has five prayer sessions per day, with the earliest for example happening before sunrise. In the summer months this would mean prayer sessions in the very early morning, which would be inappropriate in a built up residential area. If a fully functioning mosque is sought then this site would not be appropriate, as it would create significant disturbance during anti-social hours with people entering/leaving the site.
- 7.13 However, a community centre with controlled hours that reflect the entire day (when people could genuinely be expected to be awake) could work in this residential area and this can be controlled by way of a condition. It is also noted that by being located between takeaways the night time disturbance is unlikely to be significantly higher than the current situation.
- 7.14 It is noted that 32 Broad Street (A5 Use Class – Hot Food Takeaway) is open till 11:30pm, which is half an hour later than what is recommended by officers on this application. It should also be noted that it does not open until 11am, whereas it is officer recommendation to allow a 6am start during the working week for the

proposed community centre. A takeaway also usually has a steady customer flow and will not have the potential of a large body of people exiting all in one go. It is also noted that the Takeaway on the other side (38 Broad Street) shuts at 11pm.

- 7.15 Other uses along Broad Street have their hours conditioned including the gym. The hours proposed to be conditioned are the same as the gym, as this is considered reasonable.
- 7.16 The construction of a basement will make this a significantly more complicated build that could cause substantial disruption to people's lives and if done incorrectly to people's properties. This can be mitigated against by conditioning the requirements of a Constructional Environmental Management Plan, hours of construction/demolition and the control of any foundations needing piling.
- 7.17 The recommended conditions from Environmental Health that windows must be kept shut during the day is considered unreasonable and difficult to enforce for a D1 use class (therefore failing to comply with the 6 test conditions must meet); in addition the proposed internal floor area will provide some acoustic barriers internally that would lessen the noise disturbance to the public realm.
- 7.18 With the proposal rear element now being primarily single storey flat roof (with basement), with the two storey element similar to the existing rear element the proposal is not considered to have any significant detrimental impact upon loss of light, overbearing or loss of privacy to neighbouring residents. This includes any potential impact upon the commenced but not completed proposal for two flats at 32 Broad Street (14/01123/FUL). It is noted that with a double gable feature protruding rearwards there will be a greater level of overbearing on 36 Broad Street, which has windows facing in this direction. However, these windows appear to either serve non-habitable rooms or have other non-affected windows also serving the same room.
- 7.19 It is noted that the proposed two bedroom flat (replacement dwelling) will have no private amenity space. However, it does benefit from several nearby public open spaces of Cherry Hill Park and Jubilee Gardens. It is on this basis that is considered that while there is not 50 sqm of private amenity space, it would not be a reasonable case for refusal.
- 7.20 The loss of property value is not a material consideration.
- 7.21 The proposal subject to suitable conditions is considered to comply with policy ENV2 of the adopted Local Plan and meets with the overall principles of the Design Guide SPD in regards to residential amenity.
- 7.22 Historic Environment and Visual Amenity
- 7.23 The site is within the Ely Conservation Area and is within the setting of Ely Cathedral (Grade I Listed). Broad Street has a range of traditional buildings with many of these being genuine Victorian properties.
- 7.24 There is also an extremely high potential that there is archaeological remains under the existing Victorian property, especially as properties of this period are extremely

unlikely to have any deep foundations. Any historic archaeology would be significantly damaged or destroyed with the construction of a basement, though this harm can be mitigated via an archaeological investigation that forms a recommended condition.

- 7.25 The proposal seeks to demolish an existing Victorian dwelling and replace it with a slightly taller, and from Broad Street, mock Victorian building designed to look like two terrace properties. It is noted and supported that the developer is proposing to use timber sash windows and doors on the front elevation.
- 7.26 In terms of good design the front elevation is in context within its historic setting, though does not fulfil all the requirements of good architecture. The positive element is that it faithfully reinstates a traditional design that will preserve the conservation area, as well as providing a higher quality of fenestration that meets with the requirements of Policy ENV11.
- 7.27 The more questionable element of architecture is that with the developer seeking to provide both a community building and a flat on a very constrained site the proposed design does not reflect the true use of the building. The best forms of architecture should honestly reflect both the use of the building, as well as providing clear guidance on how to access the building without the need of any signs. This proposal is not designed to look like a community building and the entrance is via the rear.
- 7.28 The rear element has been designed to look like a contemporary extension onto a traditional property. This is not considered to lead to any harm to the character of the Conservation Area, as it will have a neutral impact upon the conservation area. Taking into account the public benefit of providing a community building within Ely weighs in favour of allowing this application. The proposal will have the lowest levels of less than substantial harm to the setting of Ely Cathedral; this harm again is clearly outweighed by the benefit of a new community building.
- 7.29 The professional recommendation by the Conservation Officer is noted and understood, it is not accepted in this case by the Case Officer. This is on the basis that the public benefits of providing a community building, while not leading to the loss of a dwelling unit, weighs in favour of the application. In addition the proposal has been designed that does meet the contextual demands. It is on this basis refusing this application would be unreasonable.
- 7.30 Conditions are recommended to ensure that suitable materials and fenestration detail are used.
- 7.31 There is some concern that with the complexity and the likely cost of the build that this proposal runs a higher risk than normal of not being completed. However, this possibility exists for any proposal and should not form a reason for refusal.
- 7.32 It is considered on balance the proposal is considered to comply with policies ENV2, ENV11, ENV12 and ENV14 of the adopted Local Plan; subject to conditions.
- 7.33 Highways and Parking Provision

- 7.34 The site's vehicular entrance is via Fore Hill car park, which also has access onto Broad Street.
- 7.35 Policy COM8 states that in appropriate circumstances parking requirements can be relaxed if there is good access to non-car modes of transport in the area. It also allows car free development if there is clear justification and clear alternative transport methods.
- 7.36 The addition of a community centre would require approximately up to 18 car parking spaces to cover visitors to this public hall/place of worship in accordance with Policy COM8. The proposal only provides 1 disabled parking space.
- 7.37 The proposal would require at least 14 cycle spaces for this size community building under the recommended parking standards set within Policy COM8. However, the proposal is only providing 4 cycle spaces. This proposal, therefore, relies on other non-car methods to arrive on site.
- 7.38 The proposal is placing a large reliance on its very sustainable location by being within Ely and good access to the railway station (as well as many of the bus services that come into Ely). The site is also adjacent to the public car park of Fore Hill and within easy walking distance is Ship Lane Car Park.
- 7.39 These car parks help serve all the businesses and community buildings within Ely with priority designed for everyone apart from commuters. Many of the community buildings within Ely do not have sufficient dedicated parking to serve all its potential visitors. The proposal is, on this basis, acceptable in regards to its provision of parking due to its central location.
- 7.40 The parking on the public highway is controlled by the Local Highways Authority and it is noted that there is already large areas of double yellow lines on Broad Street.
- 7.41 It is noted and accepted that the Local Highways Authority have no objections to this proposal.
- 7.42 The proposal is considered to comply with policy COM7 and on balance is acceptable in regards to policy COM8 of the Adopted Local Plan as there are clear alternative sustainable transport methods to access the site.
- 7.43 Ecology
- 7.44 With the site being an occupied property with the roof in good repair the potential for existing biodiversity is limited, though it would be advisable for any developer to carefully demolish the dwelling while checking for any species.
- 7.45 With all new development required to provide a net biodiversity improvement, a condition is recommended to ensure the development provides suitable improvements. These improvements could include bird, bat or insect boxes, though there are other measures to improve biodiversity even within a built up area.

- 7.46 The proposal is, therefore, able to enhance biodiversity in accordance with enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015
- 7.47 Flood Risk and Drainage
- 7.48 The site is located within Flood Zone 1 though it is accepted that there is a medium risk of surface water flooding in the local area. This is to be expected with the site being at the bottom of the hill with water flowing across Fore Hill Car Park and the historic dwellings along Broad Street helping to act as a 'dam'.
- 7.49 The creation of a basement could have a substantial impact upon surface water flow, which may lead to additional water being diverted under neighbouring properties through the creation of a basement.
- 7.50 It is also understood that there is a sewer that runs through the rear garden of this property and will likely need a substantial diversion.
- 7.51 In order to ensure suitable surface and foul water a pre-commencement condition is required to ensure suitable details are provided and complied with and on this basis forms a recommended condition. This is required both to ensure suitable sustainable drainage and to protect nearby residents.
- 7.52 Other Matters
- 7.53 An informative can be added in regards to food, health and safety as requested by the Environmental Health Commercial team.
- 7.54 Planning Balance
- 7.55 The proposal seeks the creation of a community (D1 Use/Non-residential institution) in a very sustainable location that is close to the centre of Ely and within relatively easy walking distance from the train station. It also has easy access to two public car parks.
- 7.56 The design of the proposal is suitable for this area of Ely that has a mix of traditional properties, many being authentic Victorian dwellings.
- 7.57 However, the proposal does not enhance the conservation area and relies on a disingenuous architectural style in order to meet the development brief of the applicants that does not reflect the true use of the building. It should also be noted that many developers seek to reflect previous architectural styles and not always to the same quality as being proposed here.
- 7.58 While the site is within one of the most sustainable locations within the district it does not provide car or cycle parking close to the requirement of the Adopted Plan. However, people visiting the site have access to many other methods of sustainable transport (walking, train and bus) and have access to public car parks for those seeking to drive to the site.

- 7.59 The proposal will also be a very complex construction, though this can be mitigated by suitable conditions.
- 7.60 It must also be noted that while a community building is supported and conditions can be used to protect residential amenity; a 24/7 use would never be supported within this residential area, due to the number of potential movements and disturbance to existing residential properties.
- 7.61 It is considered on balance that the proposal is acceptable and is therefore recommended for approval, subject to the conditions contained within appendix 1. Without these conditions the application would have been recommended for refusal.
- 8.0 **APPENDICES**
- 8.1 Appendix 1 – Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00269/FUL	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Planning Team Leader 01353 665555 andrew.phillips@ea stcambs.gov.uk
08/00009/FUL		
14/01123/FUL		
17/00915/FUL		
11/00205/FUL		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 19/00269/FUL Conditions

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

Plan Reference	Version No	Date Received
18063-01	P6.1	9th December 2019
18063-03	P5	9th December 2019
18063-00	P4	28th March 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 Times of use for hereby approved D1 Use Class element shall be limited to -
- 06:00 - 23:00 each day Monday - Friday
- 07:00 - 22:00 Saturdays, Sundays, Bank Holidays and Public Holidays.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first use/occupation of the hereby approved development.
- 4 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 No development (including demolition) shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority..
- 5 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust, vibration, lighting during the construction phase and the method of building a basement. These shall include, but not

be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 Construction and demolition times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 - 13:00 Saturdays and none on Sundays, Bank Holidays or Public Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 9 No above ground construction shall take place on site until details of the fenestration and doors; to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.
- 9 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 10 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 10 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 11 No external amplified music or voice is permitted at any time.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 12 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.
- 12 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 13 Prior to first occupation or commencement of use the proposed on-site car and cycle parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 18063-01 P6.1 and thereafter retained for that specific use.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

MAIN CASE

Reference No: 19/00702/MPO

Proposal: To vary the s106 agreement to facilitate an early review on viability; fix the resultant level of affordable housing across remaining phases (excluding Phase 1 and the adjacent care home sold to LNT): and to secure the early delivery of the A10 roundabout and associated infrastructure

Site Address: Land North Of Cam Drive Ely Cambridgeshire

Applicant: Cheffins

Case Officer: Angela Briggs, Planning Team Leader

Parish: Ely

Ward: Ely North
Ward Councillor/s: Simon Harries
Alison Whelan

Date Received: 14 May 2019 **Expiry Date:** 31st January 2020
[U145]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the Deed of Variation to vary the original S106 agreement to facilitate an early review on viability which would involve fixing the resultant level of affordable housing across the remaining phases (excluding Phase 1 and either Phases 2 or 3, whichever is delivered first, and the adjacent care home); and to secure the early delivery of the A10 roundabout and associated infrastructure.

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks to vary clause 1.5 of Schedule 8 of the original S106 agreement which requires the landowners to submit a first viability review, in relation to the delivery of affordable housing across the rest of this part of North Ely, following commencement of development of Phase 1, but prior to the commencement of development of phases 2 or 3, whichever is the latter. Clause 1.5 will be deleted and replaced with a new clause. This Deed of Variation would allow the provision of 18% affordable housing to be delivered, up from 10%, in Phase 2 or 3, whichever is the latter. Phase 4 shall not deliver any affordable housing as this phase would provide self-build plots, allotments and open space only. The proposal would also confirm a second viability review before the commencement of Phase 5.

- 2.2 The Deed of Variation would also secure the earlier delivery of the new A10 roundabout and associated infrastructure as illustrated on Drawing number 5321_Deed of Variation (LDA Design), attached as Appendix 1 to this report. A new definition of “Roundabout and Link Road” shall be inserted into the original agreement.
- 2.3 A new clause 7 of Schedule 5 will also be inserted into the agreement to secure the delivery of the new roundabout as part of Phase 3.
- 2.4 A draft Deed of Variation document has been submitted and has been assessed by an independent property advisor. Discussions have also taken place during the course of this application at Management level between the landowners and LPA Officers in relation to the proposal.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

13/00785/ESO	Residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely.	Approved	26.11.2014
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located at the northern fringes of the City, and forms part of the Isle of Ely rising gently above the surrounding fens. It extends to approximately 75.5 hectares of predominantly open fields, some currently used as agricultural land and some areas have now been developed. The site forms part of a larger proposed North Ely urban extension, which includes a total of 203 hectares of land stretching from the A10 in the west to the railway line in the east on land north of Kings Avenue and Cam Drive. This application site is bounded by Cam Drive to the south, by the A10 to the west, and by Chettisham village and open fields to the north. To the east the site boundary encloses King Edgar Close and Lily House and grounds, and is bounded by Lynn Road and residential dwellings fronting on to that Road. The Willows and Twinwood Cottage form a group of farm buildings located directly off Lynn Road to the north east. The south of the site is approximately 1km from the City centre, with Lynn Road being the direct linking route.

- 4.2 Development of the Southern part of this site is currently underway, with the Isle of Ely Primary School completed and opened in April 2016 followed by Phase 1 housing scheme, by Hopkins Homes, and the Care Home, situated opposite the School. The main access from Cam Drive has also been constructed which serves the School, and Phase 1 development, and the internal roadways. Many of the dwellings on Phase 1 are now already occupied and the Care Home is occupied.
- 5.0 PLANNING COMMENTS
- 5.1 Background Information:
- 5.2 The Council has instructed Andy Leahy, from Bespoke Property Consultants, who were involved in the original viability assessment and S106 negotiations for North Ely, and advised on the viability issues for affordable housing as stated within Schedule 8 of the original S106. Therefore, the Council has instructed Andy Leahy, to review the submitted first viability report and advise the Council on the acceptability of the proposal.
- 5.3 The outline planning permission, Ref: 13/00785/ESO, is accompanied by a S106 legal agreement which requests, under Schedule 8, that the landowners should submit a viability review in relation to affordable housing, to establish the delivery of affordable housing from Phases 2 and 3 (whichever is the latter), onwards. The original S106 agreement also includes a mechanism by which a second viability review would be submitted no more than three months, prior to the commencement of Phase Five which would confirm the affordable housing delivery for this last phase. The Phase Five mechanism is not changing under this Deed of Variation.
- 5.4 Policy HOU3 of the East Cambridgeshire Local Plan, 2015 requires developments of more than 10 dwellings to provide 30% affordable housing in Ely. However, the affordable housing delivery at present would not concur with this requirement due to the overall viability of the site which was assessed as part of the original application. Therefore, the original S106 allows for an initial affordable housing provision amounting to 10% within the first two phases of development, and then a viability review should be submitted, subject of this application, to confirm the affordable housing quantum for Phases 2 or 3 (whichever is the latter), onwards.
- 5.5 This application seeks to comply with this request and this is therefore the first viability review in accordance with Schedule 8 of the original S106 agreement.
- 5.6 Viability Assessment
- 5.7 The original proposal received as part of the viability review offered to deliver 18% affordable housing in Phase 2 or Phase 3 (whichever is the latter) and deleted the requirement for a second viability review before the commencement of Phase 5. Concerns were raised by Council Officers regarding this offer as it could have compromised the delivery of affordable housing on Phase 5 without a second viability review. Therefore, further discussions took place between parties to ensure that the delivery of affordable housing was acceptable and secured a second viability review. Another viability offer was submitted by the landowners, which was reviewed and assessed by Officers and the Council's independent consultant which

justified that provision of 18% (from 10%) affordable housing is the maximum increase that could be achieved at this stage. This offer also included the retention of a second viability review, at a later stage.

5.8 The following clauses have therefore been proposed within the Deed of Variation:

5.9 Section 5 – Operative Provisions:

5.10 Clause 1.5 of Schedule 8 shall be deleted and replaced with the following:

5.11 1.5 “For the further avoidance of any doubt, the level of Affordable Housing to be built in Phase 5 will be determined by the outcome of the Second Viability Review. Phase 2 shall deliver 18% Affordable Housing unless it is the second phase to be constructed in which case it shall deliver 10% affordable dwellings in accordance with the initial Affordable Housing Provision. Phase 3 shall deliver 18% Affordable Housing unless it is the second phase to be constructed in which case it shall deliver 10% Affordable Housing in accordance with the initial affordable housing provision. Phase 4 (self-build/custom build) shall not deliver any Affordable Dwellings”

A new definition of “Roundabout and Link Road” shall be inserted into the Original Agreement as follows:

“Roundabout and Link Road” means the roundabout as shown on plan 5321_Deed of Variation, attached to this Deed (“the Roundabout”) and the link road connecting the Roundabout to the roundabout constructed adjacent to the Primary School as indicated on plan 5321_Deed of Variation attached to this Deed to be provided by the Landowners in accordance with Schedule 5.

A new clause 7 of Schedule 5 shall be inserted into the original Agreement as follows:

“7 The Landowners shall provide the Roundabout and Link Road as part of Phase 3 of the Development”.

5.12 Following the revised viability review the Council’s independent Consultant has advised as below:

Revised Affordable Housing Offer:

“The applicant has now stated that they will increase the Affordable Housing provision from 10% to 18%.

The applicant, in the revised viability review, has further offered to keep the viability review in place at the start of Phase 5, which is a better position than previously offered, where the increase in Affordable Housing provision was going to be fixed for the remainder of the scheme. Thus, the concerns that we had previously raised have been mitigated by this revised offer.

In summary, we have no issues with the latest appraisal provided by the applicant subject to the comments made above.

There are a number of factors which are affecting the viability of the scheme (self-build plot values, density etc.) and these will be caught by the final viability review at Phase 5, secured by the S106.

The increase in the fixed level of affordable housing to 18% is the maximum reasonable amount that can be secured at this stage and will give developers certainty leading to continued housing delivery on this site”.

5.13 It is therefore considered that the above Affordable Housing offer which increases the percentage from 10 to 18 and secures a second viability review, is acceptable and Members are recommended to agree the variation to the original agreement and approve the application.

6.0 APPENDICES

6.1 Appendix 1 - Drawing number 5321_Deed of Variation

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00702/MPO	Angela Briggs Room No. 011	Angela Briggs Planning Team Leader
13/00785/ESO	The Grange Ely	01353 665555 angela.briggs@east cambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

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PROJECT TITLE
NORTH ELY

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DATE Jun 2019
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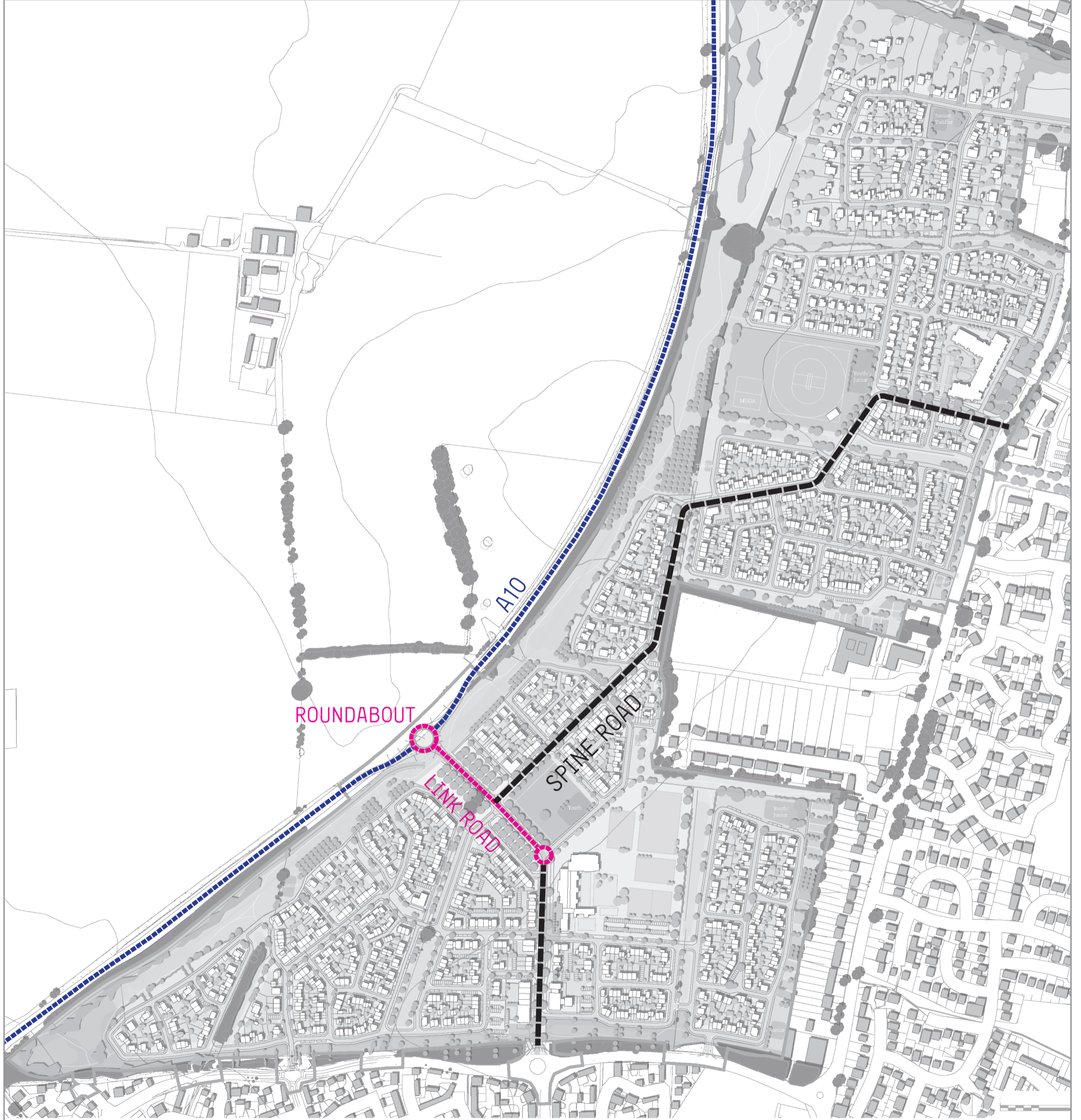
T: 01865 887050
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APPROVED PL

DRAWING TITLE
Section 106 Deed of Variation
Viability Review

Sources: Ordnance Survey

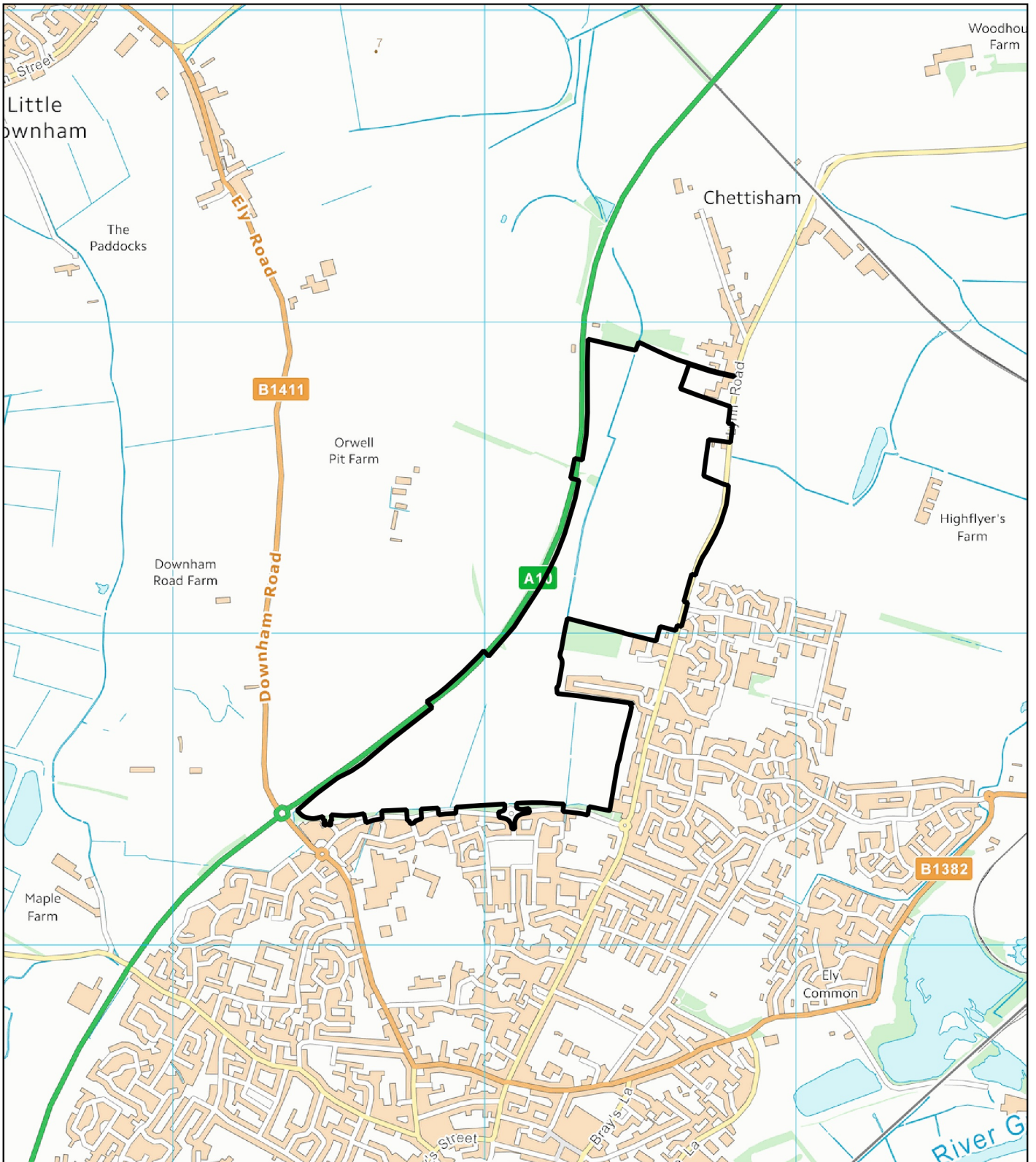
DWG. NO. 5321_Deed of Variation

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LEGEND

- A10
- Spine Road
- Link Road
- Roundabout



19/00702/MPO

Land North of
Cam Drive
Ely



East Cambridgeshire
District Council

Date: 19/12/2019
Scale: 1:17,766



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MAIN CASE

Reference No: 19/00771/FUM

Proposal: Development of the land to provide a new 70-bedroom care home (Use Class C2), a children's nursery (Use Class D1), 18 dwellings (Use Class C3) and associated access, car and cycle parking, structural landscaping and amenity space provision

Site Address: Land Parcel East Of 2 The Shade Soham Cambridgeshire

Applicant: Frontier Estates

Case Officer: Barbara Greengrass, Planning Team Leader

Parish: Soham

Ward: Soham North

Ward Councillor/s: Victoria Charlesworth
Alec Jones

Date Received: 29 May 2019

Expiry Date: 13 January 2020

[U146]

1.0 **RECOMMENDATION**

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

1.2 The S106 agreement will secure the following;

- 20% affordable housing.
- Transfer of POS, SUDs and attenuation fence to the Council with a financial contribution for the long term maintenance.
- Education and libraries contributions.
- Financial contributions towards the Commons
- Contribution for wheelie bins.

- 1 Approved plans
- 2 Time Limit - FUL/FUM - 2+ dwelling
- 3 Foul Water Scheme
- 4 Construction Environmental Management Plan

- 5 Sustainable development - Full
- 6 Surface Water Drainage
- 7 Boundary Treatment Details
- 8 Implementation of Noise Attenuation
- 9 Biodiversity Management Plan
- 10 Fire Protection (Hydrants)
- 11 Reporting of unexpected contamination
- 12 Piling foundations
- 13 Construction Times and Deliveries Restriction
- 14 Implementation of Soft Landscaping Works
- 15 Implementation of Landscaping and Parking Areas
- 16 Sample Materials
- 17 Implementation of Hard Landscaping Works
- 18 Ecological Mitigation and Enhancement
- 19 Relocation of Pedestrian Crossing
- 20 Binder Course Surfacing of Access Roads
- 21 Adoptable Highway Standard
- 22 Parking and Turning
- 23 Vehicular Visibility Splays
- 24 Pedestrian Visibility Splays
- 25 Standard Estate Road
- 26 Noise Levels of On-site Plant
- 27 Balcony Screening
- 28 Tree Protection Scheme
- 29 No pruning/cutting or felling/removal
- 30 Biodiversity Improvements
- 31 Sample Materials
- 32 Biodiversity Management Plan
- 33 Noise Attenuation
- 34 Footway Works
- 35 Residential Welcome Pack

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks permission, on a site of 1.78 hectares (4.39 acres), for the erection of a 70 bed care home, a 60 place children's nursery and 18 dwellings, of which 4 (20%), will be affordable housing, together with public open space.
- 2.2 A new vehicular and pedestrian access into the site is proposed from The Shade to the west of the site. This new access arrangement is the same as already approved under planning permission 16/00535/FUM, for the erection of 88 dwellings.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.4 The application has been brought to Planning Committee because it proposes less than the 30% policy compliant provision of affordable housing units.

3.0 PLANNING HISTORY

3.1

16/00535/FUM	Erection of 88 dwellings, garages , parking, roads & associated site works	Approved	09.08.2018
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4.0 THE SITE AND ITS ENVIRONMENT

4.1

The application site is located within the settlement boundary for Soham and forms part of a larger site allocation for employment/mixed use allocation under Local Plan Policy SOH9.

4.2

The site consists of an agricultural field, under arable cultivation. The site is located adjacent to the existing Northfield Road Business Park and residential properties bound the site to the north with a Public right of Way bounding the site to the south with the field beyond allocated for housing within the Local Plan, Policy SOH8.

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 - 2 July 2019

Soham Town Council welcomed the proposed development for a new care home and children's nursery. STC commented that pedestrian (foot traffic) would have difficulty accessing the local amenity without safety and surface improvements to the footpath.

1 August 2019

No objection and support noted for resident amenity provision/employment opportunity

Local Highways Authority - 1 July 2019

Cambridgeshire County Councils Transport Assessment Team are reviewing the impact of this development.

Byway no 205/23 runs to the east of this site; I note that Cambridgeshire County Councils Rights of Way Team have also been included in this consultation.

The road to the care home has insufficient public utility and would not be considered for adoption.

The northern extent of the access road to the side of plot 13 has insufficient public utility and would not be adopted beyond 20m from the nearest junction. It is noted that visitor parking extends beyond this point.

The local planning authority should be satisfied with provision made for car and cycle parking with respect to the care home, nursery and residential units.

The following points require attention:

1. The offsite works appear to be the same as those granted permission with respect to earlier application for this site 16/00535/FUM. Providing the Transport Assessment Team have no concerns regarding any increase in peak time movements that may necessitate layout amendments, I would have no further comments with respect to this element. These works need to be secured appropriately.
2. In addition to road and footway widths already provided, accurate dimensions should be provided to junction radii, visibility splays, parking spaces and turning areas.
3. The access bell-mouth to the nursery carpark is too close to the bell-mouth serving the care home, I would recommend that the nursery carpark access be changed to a 5m wide dropped kerb crossover in a continuous footway, with one way working, exiting onto the care home road.
4. It is recommended that the footway width be increased to 2m, especially given the nature of proposed use.
5. The development should be designed to 20mph. the main run to the area of housing with single sided development is likely to exceed this desired design speed. It is therefore recommended that measures to manage speed be provided, possibly in the form of a junction table extending between the eastside of the nursery access and plot 3, so as to cover both proposed junctions.
6. The designer must demonstrate that appropriate visibility splays are detailed at junctions; this should be 2.4m by 25m, providing a 20mph design speed is achieved. This is not currently apparent on the junction between the care home road and nursery carpark, where planting/wall, would appear to obstruct visibility to the north.
7. 2m by 2m pedestrian visibility splays must be detailed between all vehicular accesses and footways. Locations such as plot 12 where a 2.2m brick wall is indicated adjacent to a parking area would not currently achieve this.
8. While the junction on the eastern side of the access road is proposed to serve future development, this layout would not be acceptable in the interim. The eastern footpath should be continued through parallel to the road until such time as additional development it progressed.
9. Tracking movements provided show vehicle swept paths overhanging kerb lines and footways. This is not acceptable and layouts should be amended accommodate vehicle movements accordingly.
10. The Flood Risk Assessment and Surface Water Strategy document states that surface water system will utilise and Anglian Water surface water sewer in The Shade and it also refers to other drainage interventions such as permeable paving, swale and detention basin. For the avoidance of doubt CCC do not adopt SUDs features or permeable paving. For the highway to be adopted, the surface water system must be approved and maintained by an appropriate drainage authority. Accurate details of how the site is to be drained should be provided.

17 September 2019

The following points from my previous correspondence dated 1st July 2019 remain outstanding and require resolution:

2. Parking space dimensions have not been detailed as requested; while the majority of residential parking places appear to scale at 5m by 2.5m, which is acceptable, those serving the care home appear to be slightly short of these dimensions. This should be clarified or amended as necessary.

8. This point has not been resolved. It would not be acceptable to provide a discontinuous footway in the aspiration of serving future development, with no certainty of this being progressed. This application should consider this development in isolation, with any amendments forming part of later applications.

9. No vehicle track movements have been provided, so it is not possible to determine whether this matter has been resolved. The turning head adjacent to plot 12 appears to have been amended and it is unclear whether it continues to be workable for turning of a large vehicle, such as a refuse freighter. This must be clarified.

With respect to the amended plans, the following additional points require attention:

- The shared surface to the front of plots 18 to 13 is not designed to adoptable standards. This should be amended in line with Appendix 6 of Cambridgeshire County Councils 'Housing Estate Road Construction Specification (HERCS)' to incorporate 0.5m hardened maintenance strips on either side of a carriageway of minimum 5.5m, a ramp at transition between shared and segregated surface and footways extending beyond the tangent points of the junction radii.
- The brick walls proposed to the side of plot 11 and between the residential cul-de-sac and the care home carpark appears to be located directly adjacent to the trafficked surface. This should be amended to be offset a minimum of 450mm from the carriageway edge.

It should be noted that the proposed relocation of the existing road hump to provide an uncontrolled crossing as part of the offsite works will require advertising under 'The Highways (Road Humps) Regulations 1999' and therefore may not be deliverable unless authorised in advance of any planning approval. The applicant must contact Cambridgeshire County Councils Policy and Regulations Team for further advice on this matter.

12 November 2019

While I continue to have reservations regarding the failure to provide a continuous pedestrian route along the southern footway, I have no objections in principle to the proposed layout, providing the assessment associated with the development is accepted by county councils transport assessment team. I note that as of the consultation document dated 28th October 2019, this has not yet been accepted. As previously advised in correspondence dated 1st July 2019, the road to the care home has insufficient public utility and would not be considered for adoption. Likewise, the northern extent of the access road to the side of plot 13 would not be adopted beyond 20m from the centreline of the nearest junction. It is noted that visitor parking extends beyond this point.

I would also reiterate my comments of 17th September with respect to offsite works, that the existing road hump to provide an uncontrolled crossing as part of the offsite works will require advertising under 'The Highways (Road Humps) Regulations 1999' and therefore may not be deliverable unless authorised in advance of any planning approval. The applicant must contact Cambridgeshire County Councils Policy and Regulations Team for further advice on this matter.

Subject to agreement of the Transport Assessment Team, please append conditions and informatives.

CCC Transport team - 10 July 2019

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

10 September 2019

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

11 September 2019 – Travel Plan comments - The travel plans as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

28 October 2019 - Technical Note comments - The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

15 November 2019 - Technical Note comments - The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

16 December 2019 - Having reviewed the relative impacts of the development on The Shade and the A142 roundabout the development is not expected to cause a serve impact at these junctions.

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

1. Prior to first occupation of the development, the applicant shall widen the footway fronting the site on The Shade to 2 metres in width. This should be on any land within the red and blue line. Full details to be submitted to and approved in writing by the Local Planning Authority.
2. Prior to first occupation of the development, the developer shall be responsible for the provision and implementation of a Residential Welcome Packs for sustainable transport, approved by Cambridgeshire County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Environmental Health - 12 June 2019

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

07:30 – 18:00 each day Monday – Friday

07:30 – 13:00 on Saturdays and
None on Sundays or Bank Holidays

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

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

I note that Claire has previously had discussions with you regarding this site for application 16/00535/FUM where it was found that with mitigation (1.8m barrier on the eastern side of the northern part of the development) and the LPA finding the development necessary and/or desirable (and therefore relaxing the internal sound levels by 5dB) this department had no objections to raise.

My first impressions from looking at the layout of the site is that there has been sensible placement of the residential dwellings behind the care home which will offer some screening from road traffic noise.

Noise Report produced by SLR, dated May 2019.

External amenity areas are predicted to meet acceptable levels for the residential dwellings but that “external noise levels on the patios along the southwest façade of the care home facing The Shade are above the 55 dB LAeq,16hr recommended threshold, by around 3 – 4 dB. However, it is considered that this is not exceptionally above the target and alternative shared amenity areas are available to residents in the central gardens”. If there are alternative external amenity areas for the care home then I wouldn't look to object to this or request further mitigation.

With regard to the internal noise levels of the residential dwellings, the report has demonstrated that all the internal sound levels across the development site can be met with a partially open window.

With regard to the care home, internal noise levels have been shown to be met with a partially open window, on facades facing on to the central gardens as well as the northeast façade. For the south western facades internal levels cannot be met with an open window and so rely on closed windows and trickle ventilation. I am aware that this is not likely to be seen as acceptable by the LPA and so alternative mitigation may be necessary. I have checked the indicative layout for the care home and a double aspect glazing element for each room does not seem feasible so you may wish to have further discussions about this element of the report.

Noise from the business park and the nursery playground have been modelled as a worst-case hour, rather than a 16-hour daytime average. The assessment has also

been made with on the assumption that a 2m high acoustic fence is in place within the tree line on the north-east boundary of the proposed site, close to the business park. The findings indicate that based on a worst case scenario the business park is predicted to exceed the background noise level by around 3dB (externally) on occasion. This would not exceed the desired internal levels with a partially open window and if taking in to account the closed boarded fencing I would not expect the noise to be an issue in the external amenity spaces either. It should be noted that the NIA indicates that road traffic noise predominantly dominates the soundscape and so I would have no concerns to raise regarding noise from the business park.

Noise impact on the surrounding area from mechanical plant is difficult to judge when specific details of the plant which will be installed at the care home are not yet available. In the absence of this information the report recommends a rated limit of below 46dB during the day and 33dB at night at the nearest sensitive receptors for any external plant to be installed. Alternatively/additionally I would be happy if we could attach a condition which prevents the installation of external mechanical plant without prior approval from the LPA so that we can ensure that residential amenity is not impacted upon.

15/11/2019 - The road traffic noise heat map included in the letter dated the 7th October is an LAeq,16 hr prediction rather than an LAeq,1 hr (worst case scenario) prediction included as part of the Noise Impact Assessment dated May 2019. This latest heat map averages the road traffic noise over a 16 hour period and has predicted a reduction in sound levels by 1.5dB. The heat map demonstrates that this will result in a greater proportion of the site falling within the 40-45dB level. The sound level at the care home's western façade is not dramatically changed by this but from our discussions I understand that you are in dialogue with the applicant to find a solution.

5/12/19 - I've read the Noise Impact Clarifications document and agree with the recommendations within. If you are happy to accept passive trickle ventilation then I would be happy with the wording of the proposed condition which SLR have suggested at the bottom of page 2.

Environmental Health (Scientific) - 30 July 2019

I have read the Preliminary Land Quality Risk Assessment report prepared by SLR dated March 2019 and accept the findings. I recommend that a condition requiring further investigation for contamination is not required. Due to the proposed sensitive end use of the site (residential) I recommend that standard contaminated land condition is attached to any grant of permission.

Housing Section - 1 July 2019

The Strategic Housing Team supports the above application in principle, as it will deliver 20% affordable housing on site. (18 dwellings will secure 4 affordable dwellings).

The developer has stated they intend to deliver the affordable dwellings as 2 x two bedroom houses as rented and 2 x two bedroom houses as shared ownership. The councils required tenure split in accordance with the Strategic Housing Market Assessment is 77%rented and 23% shared Ownership, therefore we would require the affordable housing to be delivered as 3 x two bedroom house for rent and 1 x two bedroom house for shared ownership.

2/12/19 – No further comment to make regarding the amendment to the affordable housing plot numbers. The scheme will deliver 20% affordable housing on site.

ECDC Trees Team - 10 July 2019

The submitted Arboricultural Implications Assessment is acceptable.

Comments regarding the Soft landscaping scheme have been verbally communicated to the case officer to be passed on to the applicant.

19 December 2019 - The site has been in agricultural management and therefore there are no significant trees within the site, all vegetation is within the boundary hedges.

Only G1 is to be removed and this is not to facilitate development, it is a poor group of re-generation Elm and its removal is not contentious, the tree protection details submitted in the CBA tree report are acceptable.

There are no arboricultural reasons to refuse the proposed development.

Landscape Comments - The location and number of tree(s) in small locations being planted needs to be considered, the landscape strategy shows 2-3 trees planted in areas between and on the corner of car parking spaces. To ensure any trees planted in these areas establish and survive ideally only one should be planted, providing one specimen with the rooting space and space to develop a canopy which can be managed. Some of the proposed planting e.g. between plot 9 and 10 at the front and plot 13 visitor parking area, appears very small e.g. 1-1.5m, any tree planted in such a situation is unlikely to establish or survive due to physical damage.

Details of proposed species to be planted needs to be submitted as part of a soft landscaping scheme, this can be conditioned.

Technical Officer Access - 26 June 2019

All accessible (Blue Badge) parking spaces need to be a ratio of 6% of total places.

Houses

As there is a pathway in front of the houses, there is not sufficient room to create a ramp should one be needed. All pathways should be firm, level and slip resistant. Level entrance required.

Care Home

Public accessible toilets have doors opening inwards, should be outward opening. Flexible seating required in dining room, café etc.

Nursery

No accessible toilet on the ground floor.

All the statements in the Design and Access Statement should be complied with to BS8300 (2009/2018)

Lead Local Flood Authority - 1 July 2019

The present submission proposes to intercept runoff at the source through use of type B permeable paving (a combination of infiltration and positive drainage). For rainfall events up to the 1 in 30 (3.3% AEP), the permeable paving will discharge straight to the swale, which will discharge to a Middle Level and Mere IDB drain via a short section of Anglian Water sewer. In events greater than 1 in 30 (3.3%), the permeable paving will overflow to an attenuation basin, before discharging to the swale via a surface water sewer.

At present we **object** to the grant of planning permission.

9 September 2019

We are able to remove our objection to the proposed development.

Surface water from the proposed development can be managed through the use of permeable paving, overflowing to an attenuation basin and discharging to a re-profiled ditch restricting surface water discharge to 3.5l/s.

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse. The LLFA also welcomes the use of the Sedum Roof and Bog Garden, as these also provide betterment for water quality treatment, along with further biodiversity benefits. There is medium-high local surface water flood risk to properties north of the site, however the strategy proposes to re-profile the land, directing exceedance flows away from both the existing properties to the north and the proposed development.

Condition recommended.

Anglian Water Services Ltd - 8 July 2019

There is capacity in the system for these flows. Please see full response on Councils website.

14 November 2019 - Soham Water Recycling Centre - In relation to the treatment works, the developer is not liable for the funding of any infrastructure upgrades to water recycling centres (WRC). Investment in WRC is triggered by a number of risks including growth, regulatory changes and process deterioration.

Water Recycling Long Term Plan - The Anglian Water, Water Recycling Long Term Plan looks at growth across our region and the impact that growth could have on our water recycling centres.

This Plan proposes investment that has been reviewed as part of our investment planning, but could be subject to change according to risk and Ofwat determination of our Asset Management Plan (AMP)7 Business Plan. Soham WRC is mentioned and identified as a WRC where investment is likely to be required. It identifies £5.4 million to be spent on additional WRC capacity in AMP 9 (2030-2035). In addition to this, in AMP7 (2020-2025) we will be installing catchment flow monitors at Soham WRC to monitor the impact of growth. Our investment process is adaptive to change, if delivery of growth is moving faster than we expected then we will look at providing resources sooner, in-line with growth. It is important to note that we will only invest when growth is certain.

Soham catchment Strategy - The Environment Agency response is in relation to Soham WRC and not the network. The Soham catchment strategy is in relation to the foul network. We are continuing to work with developers to ensure their on-site drainage aligns with the overall foul strategy.

Non-mains solutions and halting growth - We would not recommend halting new development proposals at any point, Anglian Water work closely with developers and monitor planning applications to ensure any infrastructure improvements are delivered in line with new developments. We regularly meet with developers and request their delivery timetable and use local planning authority housing trajectory data to understand key need dates. We liaise with the EA on a regular basis to discuss all our WRC permits.

This information feeds into our investment programme, and as stated above, our WRC investment process is adaptive to change.

We note the suggestion for onsite treatment solutions, such as package treatment plants. The Environment Agency issue permits for all such proposals and are unlikely to do so when there is a public network nearby.

Anglian Water is aware of the growth coming forward in the catchment of Soham WRC and will invest accordingly. We will continue to work with the Environment Agency and make changes to permits and processes as and when required. The Soham foul network strategy is progressing and we are continuing to work with developers as they progress their onsite drainage strategies

The Ely Group Of Internal Drainage Board – 26 July 2019

The application for development is just outside of the Middle Fen and Mere Internal Drainage District but within an area that drains into it.

The property adjacent to this site has a history of flooding from overland flows from this site. The Board understands that the adjacent owner has built a flood wall to try to prevent a reoccurrence. The industrial site to the north of this development drains through this site. This discharge should not be impeded and needs to be allowed for in site calculations.

The Board welcomes the greenfield run off rate that has been used in the Flood Risk Assessment calculations. The discharge will require the prior consent of the Board. It is important that there is a long term maintenance plan for the on-site surface water features.

23 October 2019 –The Board has agreed in principle to a discharge of 5.5 litres/second from the site.

Environment Agency - 2 July 2019

We have no objection to the proposed development but wish to make the following comments:-

Water quality/waste water.

New development in Soham needs to be carefully managed in order to protect the local water environment.

The East Cambridgeshire District Water Cycle Study (Final Draft Report, November 2017) assessed the potential impact of the full quantum of growth expected to connect into Soham WRC. The Water Cycle Study demonstrated that proposed development identified in the Local Plan can be serviced without causing a breach of environmental legislation provided that the current discharge permit is amended to tighten the effluent quality permit limits in line with the increase in discharge flow. It also suggests that upgrades to the WRC will likely be required.

The latest measured flow data we have received from Anglian Water suggests that the foul flows through Soham WRC are now approximately 90% of the maximum permitted by the current discharge permit. Our estimate (not confirmed by Anglian Water) is that there may be sufficient capacity to accommodate in the region of 400 new domestic properties before a breach of permit conditions, and a resultant threat of deterioration in the Soham Lode, occurs. Any deterioration in status of the Soham Lode would be in breach of Water Framework Directive obligations and the current River Basin Management Plan.

It is clear that there is currently capacity at Soham WRC to accommodate some additional foul flows from new development, and this application, in isolation, is not a cause of concern. The East Cambridgeshire District Water Cycle Study, however, demonstrates that the full quantum of foul drainage from other new development sites expected to connect into Soham WRC, in combination, cannot be accommodated within the current discharge permit.

Foul drainage capacity cannot be reserved for individual development sites, therefore it would be prudent, when determining each new planning application in-and-around Soham, to specifically consult Anglian Water regarding the current WRC capacity and any requirement for new sewerage infrastructure.

Upgrading of the wastewater treatment works (and determination of associated environmental permits) may require some control on the phasing of development in order to ensure the continued protection of the water environment throughout the Plan period.

Natural England - 1 July 2019

No objection - Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

22 October 2019 - The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

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

Cambs Wildlife Trust - 2 July 2019

I have reviewed the Ecological Impact Assessment (EclA) report accompanying the above planning application and am satisfied with the conclusions that the site is

currently of limited ecological interest. Should permission be granted, in order to minimise the risk to protected species, the mitigation and enhancement measures in section 5 of the EclA report should be required by way of a condition.

With regards to delivering a net gain in biodiversity, in line with national planning policy, the landscape plans show the majority of the site will be buildings/hardstanding, with only small areas of retained and created habitat, some of which will be amenity grassland, which is of low ecological value. Therefore based on areas of habitat alone, it is likely there would be a small net loss in biodiversity. However, I welcome the consideration that has been given to additional potential enhancements and provision of resources for wildlife. Provided that all of the proposed mitigation and enhancement measures detailed in section 5 of the EclA, including creation of new linear habitat (native hedgerows), use of flowering lawn mix to increase biodiversity in amenity areas, creation of a bog garden, enhancement of drainage ditches, provision of bird, bat and invertebrate boxes, bird feeding and water stations, sedum roof, and inclusion of native and wildlife-friendly planting in borders are incorporated and suitable management put in place to maintain them in future, I consider the proposals should be able to deliver a small net gain in biodiversity. I recommend that should permission be granted, a condition is attached requiring the production of a Biodiversity Management Plan for the site, providing details of creation and ongoing maintenance of habitats and other biodiversity enhancements, in accordance with the measures listed in the EclA.

No assessment has been made of potential impacts on nearby designated nature conservation sites. There may be potential impacts from increased recreational pressure on nearby sites such as Qua Fen Common, particularly as the proposed open spaces on-site are unlikely to provide sufficient area or suitable features to meet all of the recreational needs of the new residents. Although the development is relatively small, there are a number of other existing and proposed developments in Soham, and the cumulative impacts of all of these on existing open spaces must be taken into account. I recommend that further information is provided assessing to potential impacts on nearby designated conservation sites, which may require consideration of additional mitigation.

Cambridgeshire County Council Education - 2 August 2019

Contributions sought for primary education - £38,493, secondary - £49,334 and Life Long Learning £2,701. Contributions sought for early years not sought because of the nursery provision on site.

September 2019 - updated

Early Years - £59,976 if the on-site nursery is not delivered, primary - £59,976, secondary - £49,334 and Life Long Learning - £1,895.

Cambridgeshire Fire And Rescue Service - 20 June 2019

Adequate provision be made for fire hydrants.

Dept of Social Services - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

Cambridge Ramblers Association - No Comments Received

NHS Cambridgeshire - No Comments Received

Ward Councillors - No Comments Received

Asset Information Definitive Map Team - No Comments Received

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

5.2 Neighbours – A site notice was posted and advertisement placed in the Cambridge Evening News. 42 neighbouring properties were notified. Four responses were received and are summarised below. A full copy of the responses are available on the Council's website.

- More mature trees along the bridleway
- Welcomed change in the proposed earlier developments
- Ensure consideration of the privacy of properties along The Shade in that they are not overlooked
- Need to ensure that drainage is addressed and dealt with as the area can flood
- Ensure the area is safe and secure with landscaping and tree planting, ensuring that road access is safe and deters and speeding around the development
- Fully support of the application as it will be an all-round benefit for a wide range of ages
- No objection to the change in the application, however concerns over the open green space in the respect of easy access to the travelling community and the trouble and rubbish it would attract
- Need to address the additional surface water the development will attract and how it will be dispersed
- Provides badly needed services and should have the Councils full support

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
HOU 6	Residential care accommodation
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction

ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
SOH 8	Housing allocation, land east of The Shade
SOH 9	Employment/mixed use allocation, land east of The Shade

6.2 Supplementary Planning Documents

Design Guide
 Developer Contributions and Planning Obligations
 Cambridgeshire Flood and Water
 Contaminated land

6.3 National Planning Policy Framework 2019

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

6.4 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

7.1 **The Proposal**

7.2 The Care Home

7.2.1 A two storey building, the care home will accommodate 70 elderly residents and provide 24 hour care for the frail elderly, providing a full range of residential, nursing and dementia care needs, including end of life and palliative services. The care home will offer state of the art facilities where the long term needs of residents can be met on one site as care requirements change.

7.2.2 The care home will exceed the space standards set by the CQC and incorporate, bedrooms with en-suite, spacious communal and amenity spaces incorporating café, hairdressers, cinema room, activity rooms, lounges, dining spaces and quiet rooms. Many of these facilities are to be opened up for use by the public and community groups to integrate the home with the local area and to provide a busy

and vibrant atmosphere within the care home. On site kitchen and laundry, Staff facilities, including lounge, training areas and changing rooms. Landscaped amenity areas and sensory garden, car and cycle parking as well as spaces for deliveries and ambulance will also be provided.

7.3 The nursery

7.3.1 A two storey building, this will provide day care and education for up to 60 children under 5 years old. A wrap round external play space to the front and side of the building. Parking and drop off space to the rear. First floor accommodation will provide facilities for babies and toddlers sleeping. Sited nearest to the site entrance to avoid conflict with other site uses and as the use generating the most traffic and pedestrian access.

7.4 Housing

7.4.1 18 x 2 storey dwellings, comprising 8 x 3 bed semi detached, 2 x 3 bed detached and 8 x 2 bed semi detached. Each with on plot parking for two cars.

7.4.2 Affordable housing – 20% provision in the form of 4 x 2 bed dwellings.

7.4.3 Each property has two parking spaces in front and side by side. Provision of 5 visitor parking spaces.

7.5 The main issues to consider to the determination of this application are:

- The principle of development
- Visual impact
- Noise and residential amenity
- Access, highway safety and transport impact
- Flood risk and drainage
- Ecology and biodiversity
- Archaeology

7.6 Principle of Development

7.6.1 The site is located within the settlement boundary of Soham and forms part of a larger allocation of land for employment use within Policy SOH 9 of the East Cambridgeshire Local Plan. This development is therefore contrary to that Policy.

7.6.2 However, weight must be given to the fact that planning permission was granted in 2018, for the erection of 88 dwellings on this site, together with the land to the south. At that time, it was accepted by Planning Committee that there is limited demand for commercial land within Soham and that it would not be viable to bring this land forward for employment use. Officers, at that time sought the advice of an independent Valuer who agreed that there was very limited demand and that other similar sites have remained undeveloped. The Valuer also looked at the viability of developing this part of the site for employment use and concluded that, taking account of the values that might be achievable, the viability must be called into

question. It was therefore accepted that, in reality, this site is not likely to deliver employment use, and on that basis permission was granted for residential use.

- 7.6.3 The principle of residential use on this site is therefore established, and that permission is extant. Turning to the provision of the children's nursery, there are no specific policies in the Local Plan which cater for this provision. However, the principle of providing child care facilities within one of the main towns of the District, is acceptable in terms of the locational strategy of the Local Plan and sustainability being well located near to existing residents and the Shades Primary School. It will also allow for accessibility by other modes of transport.
- 7.6.4 In terms of the residential care home this is supported by Policy HOU6 of the Local Plan as it is located within a settlement which offers a range of services and facilities. The applicant has also provided evidence of need. The Policy points to a significant growth in the proportion of older people in the area.
- 7.6.5 The applicant has advised that there is a shortage of care home accommodation in the area. The level of demand for market standard bed spaces within the catchment area for the site (which is centred on a 6 mile distance), is currently equivalent to 386 bed spaces. The existing provision within this catchment comprises only 4 care homes, providing a total of 131 bed spaces. Much of the provision is within older housing stock and only 34 of the bed spaces are registered with the CQC to provide nursing care. Taking into account the limited existing supply, the current shortfall in provision is equivalent to 255 bed spaces, which is expected to increase to 344 by 2025.
- 7.6.6 The scheme for this site will be an exemplar in terms of the standard of facilities and the provision of support and care. Through the detailed design of the accommodation and the provision of care and support, the proposal will allow frail elderly residents, often with dementia, to remain as independent and active as possible and to interact with others. The physical layout will also adhere to the best practice principles set out in the CCC care suite model and will exceed the CQC requirements as well as the bedroom sizes achieved on other recent care home consents.
- 7.6.7 Further benefits of the care home are that it will contribute towards the housing requirement as it has the potential to free up other sectors of the housing market by releasing much needed family housing, as residents moving into care home accommodation often downsize and the proposal therefore delivers a knock on housing benefit. This is recognised within the NPPG which states that;
- “In decision taking, evidence that development proposals for accessible manageable homes, especially for older people will free up under-occupied local housing for other population groups is likely to demonstrate a market need that supports the approval of such homes (Para 037)”.
- 7.6.8 Consideration has also been given to the implications of this development on the delivery of the remainder of the employment allocation to the north, as Policy SOH 9 requires the land to be accessed from The Shade, and it would not be appropriate in planning terms, to access this employment land via this site. Alternative access points were explored at the time of the previous permission, and it was accepted

that alternatives do exist, should this parcel of land come forward for employment use. Consideration has also been given to the principle of siting residential properties alongside employment uses, in terms of the impact of potential noise and disturbance on residential amenity. It was previously considered, when determining the previous planning application, on this site, that since it was the original intention of Policies SOH 8 and 9 to accommodate these uses alongside one another, this principle has been accepted. Any subsequent noise mitigation measures which would need to be provided to protect residential amenity will need to be addressed as part of any future scheme coming forward to develop the land to the north.

- 7.6.9 Consideration has also been given to the implications of this development on the delivery of the remainder of the site to the south, which was granted planning permission for 49 of the 88 dwellings approved under 16/00535/FUM. The access will be shared with this development and the road link has been retained to this land, in the same position as previously approved. In addition, as the local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing, must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework.
- 7.6.10 This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits. The benefits of this application are considered to be: the provision of 18 dwellings including affordable housing and residential care accommodation built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work and future occupiers of the dwellings. As the residential care accommodation will contribute to the housing requirement this is also a significant benefit of the scheme, to be given significant weight in the planning balance.
- 7.6.11 Additional benefits, attracting significant weight is the provision of much needed Early Years school places in the catchment which CCC have advised is in demand and in future years demand will significantly outstrip supply. In addition, Policy GROWTH 3 of the Local Plan lists the need for new Early Years (nursery), facilities within Soham as a key infrastructure requirement relevant to growth in the District. The site is conveniently positioned near to local employment, existing and new housing and The Shade Primary School. The use is also highly compatible with the proposed care home allowing for multi-generational interaction.
- 7.6.12 Benefits from the scheme also arise from the provision of additional jobs. It is anticipated that the care home will create jobs for approximately 80 staff (full time equivalent) and nearly 100 jobs overall (both full and part time). The applicant states that the large majority would be recruited from the local area. The children's nursery will generate an additional 15 to 20 jobs. The new facilities will also create knock on employment opportunities through associated facilities and services to support the on-going operation. These economic benefits are significant in the context of the sites historic allocation as an employment site and therefore provides a favourable comparison to the extant residential permission.

- 7.6.13 The community rooms within the new care home, including café, hairdressers and activity rooms will also be available for use by the public and community groups by arrangement thereby complimenting wider community objectives for the area. An additional social benefit is that the proposal can help to minimise the costs to health and social services. Residents will primarily be drawn from the local area. In providing specialist and dedicated in-house care and support, the new care home will reduce the need for residents to call on local healthcare services.
- 7.6.14 Given all of the above, including the planning history of the site it is considered that the benefits of the development attract significant weight and accords with the economic and social strands to sustainable development.

7.7 Visual Impact & Housing Mix

- 7.7.1 The most significant feature of the site is the presence of Public Byway 23 across the site, which provides a valuable amenity to the local residents as a well used route, linking to the network of paths to the east of the site and also providing links to Public Byway 21, which runs along the eastern edge of the site, and Public Right of Way 25, which links to the Northfield Park development to the south. The importance of this attractive route is highlighted within Policy SOH 8 where it states that any development of the site for housing should retain and enhance this green lane and retain and enhance the public footpaths crossing the site.
- 7.7.2 The green Byway 23 will remain in-situ and undisturbed as an important feature of the site. It is considered that whilst the rural and tranquil nature of the lane will be lost, to some extent due to this development, the Byway was already subject to change as part of the previous planning permission. The Byway to the east will also remain in-situ.
- 7.7.3 The site, is also well enclosed from the east and north by mature boundary vegetation and the industrial estate, and to the south by mature trees and hedging along the Byway. The most open view of the site will be from The Shade and it will also be visible from the A142 although will be set back some distance from it. The development will be prominent along The Shade but as frontage development will not appear out of keeping with the mix of development types in the vicinity and the existence of new housing development nearby. The care home and nursery are set back more than 20 metres from The Shade separated by a planted swale feature.
- 7.7.4 The obvious desire to retain as much of the existing landscape features surrounding and within the site including the Byway and public footpath within the site, both advocated by Policy SOH 8, have formed key parameters which have dictated the layout concept, as has the need for noise attenuation. In addition, the desire to ensure existing amenities of residents adjoining the site are protected as much as possible has also formed a key factor on the layout masterplan.
- 7.7.5 Within the rear part of the site the layout allows for the new houses to front the public open space. This enhances the setting for the new development as well as promoting surveillance and allowing the houses to be positioned away from the commercial premises to the east. The layout will also facilitate integration with the consented development to the south as it will continue to allow the two areas of open space to merge, forming an extended green link. The public open space area

includes the strip of land to the front of the site and satisfies the Council's requirements for size. The existing public footpath Byway 21 runs along and within this open space and therefore remains in-situ. It is proposed to site a noise attenuation fence along the eastern boundary of the site behind the existing mature hedge which bounds the site so this will not be highly visible and will help to protect residential amenity.

- 7.7.6 In accordance with the Council's SPD guidance the amount of public open space provided exceeds that expectation and the ditch and open land, to the front of the site is not included in this calculation.
- 7.7.7 An appropriate relationship will be achieved between the care home and the houses with the use of boundary treatment including brick walls and planting. The detached dwelling most visible upon entering the site will provide a feature house with a landscaped frontage.
- 7.7.8 The scheme as a whole comprises largely semi-detached dwellings with parking to the front and two detached dwellings. The designs are reflective of the previous permission and in keeping with the character of the area. Simple rectilinear forms and materials following the local palette of buff and red brick, with the use of render and weather boarding is acceptable.
- 7.7.9 Whilst the care home will be a relatively large building, the careful design has meant that the mass is broken up through architectural treatment, roof form, materials and landscaping. The building will then read as a series of distinct elements rather than a single mass. The elevations include a number of projecting gable end features and the roof profile is staggered with variations in height. The new building is designed to complement the locality, comprising a relatively traditional brick building but incorporating render and weatherboarding with dark grey roof tiles. The nursery building materials will be taken from the same site wide palette. The scheme is to retain existing vegetation and supplement this with new planting to include new hedge planting.
- 7.7.10 The scheme also provides for attractive feature walls as these are required for security along the front of the care home and nursery but these will have steel railing infills as will the wall separating the care home from the residential properties.
- 7.7.11 The affordable housing mix is acceptable to the Strategic Housing Officer and will be secured by S106 legal agreement. The 20% provision does not comply with Policy HOU3 of the Local Plan which requires 30%. However the recent Council, Viability Assessment Information – Interim Policy Support document, April 2019, suggests that the affordable housing targets set out in Policy HOU3 of the Local Plan are not wholly up-to-date. The report recommends that for Soham, the affordable housing requirement should be reduced to 20%. This development complies with this up to date document.
- 7.7.12 The mix of houses also complies with Policy HOU1 of the Local Plan comprising 2 and 3 bed dwellings.

7.7.13 Overall the housing mix and layout is considered acceptable and the uses have been laid out so they successfully integrate with each other. The proposal is considered acceptable visually, complying with Policy ENV1 and 2 in this regard.

7.8 Noise and residential amenity

7.8.1 The residents impacted by this development are to the north, immediately adjoining the site. This dwelling fronts The Shade and has an extensive rear garden. The Care Home is situated some 5 metres from the boundary with this property and is set back from the road. Officer concerns were expressed on overlooking from first floor windows and balcony at a distance of 18 metres from the boundary. The care home layout was then amended to allow a set back from the boundary, to these windows, of 23 metres, and the balconies have been fitted with 2 metre high frosted glass screening, which has sufficiently improved the situation of overlooking to that property.

7.8.2 Given concerns around the bulk of the care Home roof close to the residential property, the scheme has also been amended to reduce the bulk of the roof at that end of the building. Only the narrower sections of the care home extend towards the boundary of the neighbouring property. These flank elevations do not contain windows to habitable rooms.

7.8.3 There is an existing hedge along the boundary of the neighbouring property at the useable end of the garden and adjoining the dwelling itself. This is to be retained and enhanced and where gaps exist, a close boarded fence may be erected but this will be the subject of a planning condition to finalise the detail of this boundary. Adjacent to the rear service yard and car park the applicant proposes a 1.6 metre high brick wall which is considered acceptable, in order to safeguard the amenities of this resident from any noise and disturbance associated with the care home. It is considered that with these sensitive boundary treatments the amenities of the residents adjoining the site to the north are adequately protected.

7.8.4 The distances between houses and their relationships to each other and to the nursery and care home are also considered acceptable and suitable boundary treatments have been incorporated. It is considered that the proposal accords with Policy ENV 2 in this regard.

7.8.5 To the east, the new dwellings will be set back 45 metres from the boundary with the adjoining commercial units.

7.8.6 The layout has been assessed and it is considered that it provides a satisfactory level of amenity for the future residents of the dwellings, in relation to plot sizes and design/positioning of dwellings. It is considered that the residential amenity of the future occupiers will be safeguarded in terms of any overlooking or noise disturbance.

7.8.7 Noise – Policy ENV 9 seeks to ensure that new development does not impact the ability of existing businesses to carry on their operations unhindered. The impact of siting new dwellings alongside the employment site therefore need to be assessed.

- 7.8.8 A Noise Impact Assessment was submitted with the application together with additional supplementary information. This concludes that the main noise source affecting future residents is from the business park to the east but this can be adequately mitigated by the erection of a 2 m high acoustic fence carefully positioned within and behind the existing mature hedgerow, which runs along the eastern boundary of the site.
- 7.8.9 The applicant states that this is achievable and practical without significant damage to or loss of the hedgerow pointing out that the hedge is of low quality. Nevertheless it is important that the hedge is not excessively removed as this would allow the fence to be visible within the development and along the open space which would mean it would appear as a visually intrusive structure for the future residents. The fence would need to be erected under the careful supervision of an arboriculturalist and at a time of year when ecology would not be impacted. The plans have been annotated to state that, the fence will be set clear of the existing ditch allowing maintenance access space and the line of the fence and position of the posts is to be worked around the existing shrubs/trees to negate the impact on root areas. The existing vegetation is to be retained with new screen planting to any gaps.
- 7.8.10 It is considered that this is achievable with careful oversight and that a suitably worded condition could be attached to any planning permission to ensure this.
- 7.8.11 The dwellings to the north will not be impacted by road traffic noise from the A142, but the noise assessment highlights high noise levels from traffic on The Shade. The levels cannot be acceptably mitigated with windows open, along the front facade of the care home. The windows on that facade can be opened at the occupants discretion, but to achieve acceptable internal noise levels passive ventilators are to be installed.
- 7.8.12 Assessment was also made of any noise impacts to the new on site residents from the activities of the care home and the children's nursery. The noise assessment considers these uses will not have any adverse impacts on residential amenity.
- 7.8.13 These measures will be secured by condition. With the noise attenuation fence in place the development accords with Policy ENV 2 and SOH 8, in respect of ensuring that future occupiers enjoy high standards of amenity and that the noise from the business park is adequately mitigated, and with Policy ENV 9 in ensuring that the existing businesses in the Northfield Road Business Park will not have their operations restricted as a result of this development.

7.9 Access, highway safety and transport impact

- 7.9.1 The access to the site and the off-site road works are all the same as the previous planning approval, as is the road spur allowing access to the land to the south.
- 7.9.2 A new junction will, offer safe access and egress and the pedestrian crossing will be relocated in order to accommodate a new ghost right turn into the site. A new pedestrian crossing is to be provided between the new access and Kingfisher Drive and the existing pedestrian crossing moved further south to allow for the right hand turn lane to be accommodated.

- 7.9.3 These measures will be secured by Grampian condition to be completed prior to the occupation of the first dwelling or commencement of any commercial use.
- 7.9.4 The access roads within the site have been examined by the County Highway Authority and are considered to be adequate in regard to their width, layout and visibility and built to adoptable standards. Conditions are suggested to include the submission of a traffic management plan, for the construction stage. The access location in regard to accessibility and permeability have also been assessed and deemed acceptable by the County Council Transport Planning team. Additional impact information has been requested and submitted to overcome various concerns raised by the Transport Planning team. The team are now satisfied that the proposed development does not have a severe cumulative residual impact on the local road network and have asked for two conditions to be attached requiring a Welcome pack and widening of the footpath along the site frontage.
- 7.9.5 The layout indicates that two car parking spaces per dwelling will be provided for each dwelling and none of the spaces are in tandem arrangement. This complies with the councils parking standards within Policy COM 8. Five visitor's spaces have also been provided which exceeds the Council's standards.
- 7.9.6 Care home - there are 30 car parking spaces provided for the care home as well as a set down/delivery bay, an ambulance bay, cycle spaces and motorcycle parking.
- 7.9.7 Although it is anticipated that the care home will create jobs for approximately 80 staff (full time equivalent), the applicant considers that the car parking provision is entirely appropriate to the nature of the proposed use and having regard to their experience from other facilities. No residents will own cars, there will be no resident staff and in a sustainable location such as this, and the applicant anticipates that no more than 50% of staff would travel in their own cars. With an estimated 25 staff on site at any one time, space would also be available for visitors.
- 7.9.8 The level of provision also complies with Policy COM8 of the Local Plan.
- 7.9.9 Children's nursery – there are 26 car parking spaces provided as well as drop off/pick up areas and cycle parking. The level of provision again accords with the Council's parking standards which require 1 space per staff on duty at any one time plus 1 visitor's space for every class. The scheme will have a maximum of 20 staff on site at any one time and will include a maximum of six classrooms.
- 7.9.10 The applicant has prepared a Travel Plan to outline the strategies and measures that would be implemented in order to discourage single occupancy car use and to promote sustainable travel. These measures included:
- The provision of information and advice concerning safe pedestrian and cycle routes to the site
 - The provision of shower, changing and locker facilities
 - The provision of secure cycle parking facilities
 - The prominent display of up-to-date public transport information in communal areas
 - Encouragement of car sharing schemes

- Advertising the health benefits of walking and cycling through promotional material

7.10 Flood Risk and Drainage

- 7.10.1 The site is located within Flood Zone 1. A drainage strategy has been developed to enable the drainage to be dealt with on this site in isolation. The ditch to the western boundary will be re-profiled to provide surface water conveyance. The western slope will be maintained to preserve ecology and the eastern slope re-profiled to have an average side slope of 1 in 2. The maximum water depth within the swale would be 1.3m during a rare storm event. The site will be drained by permeable paving overflowing to an attenuation basin and discharging to the ditch at the front of the site. This will then outfall with a controlled discharge to the IDB ditch to the west of the Shade.
- 7.10.2 Following the submission of additional information, the Lead Local Flood Authority have removed their initial objection to the scheme and recommended a condition for surface water drainage.
- 7.10.3 Foul drainage – Anglian water have advised there is capacity in the network for these flows. The Environment Agency have made comments about the capacity of the Soham WRC and the threat to the Soham Lode. In response Anglian Water have advised that they have an expansion strategy in hand, which is adaptive to change, if delivery of growth is moving faster than expected. They will also continue to work with the EA and make changes to permits and processes as and when required. The Soham foul network strategy is progressing and AW are continuing to work with developers as they progress their on-site drainage strategies. The proposal therefore complies with Policy ENV8 of the Local Plan

7.11 Ecology, biodiversity and archaeology

- 7.11.1 A Preliminary Ecological Assessment has been prepared to support the planning application. This Assessment confirms that the site is not important for populations of any species of fauna or flora of nature conservation importance and that no evidence of protected or notable species has been recorded at the site or surroundings to date. No further surveys are considered necessary. Notwithstanding this, it is recommended that enhancement measures are proposed as part of the scheme to increase the site's biodiversity value in accordance with Policy ENV 7. This includes the provision of bird and bat boxes and additional hedgerow planting. A biodiversity management plan will also be secured by condition.
- 7.11.2 The developer has also agreed to make a financial contribution towards the long term management of the Commons, given that residents of the development are likely to contribute to recreational pressure upon it. This has been requested in accordance line with the Soham Commons Recreational & Biodiversity Enhancement Study and will be secured by S106 agreement.
- 7.11.3 The scheme is not considered to adversely impact upon any heritage or archaeological assets within the vicinity of the site. An archaeological technical note

has been prepared to accompany this planning submission. With reference to the survey work previously carried out on site, the note concludes that no archaeological features or finds have been identified within the subject site. The proposal therefore accords with Policy ENV 7.

7.12 Other Material Matters

- 7.12.1 Education – CCC have requested contributions for education and Life Long Learning. This is accepted in principle by the applicant and will be secured by S106 legal agreement.
- 7.12.2 Cambridgeshire Fire and Rescue service have requested the provision of Fire hydrants on the site. This will be secured by planning condition.
- 7.12.3 Policy ENV 4 requires all proposals for new development to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy. Applicants are required to demonstrate how they have considered maximising all aspects of sustainable design and construction. This has not been submitted as part of the planning application so will be required by condition.

8.0 Planning Balance

- 8.1 The benefits of the development are the contribution it would make in terms of housing supply as well as the economic and social benefits including jobs creation, the provision of affordable housing, accommodation for the elderly and nursery provision. These weigh significantly in favour of the proposal.
- 8.2 On balance it is considered that there will be no significant adverse impacts that would weigh against the proposal and it is therefore recommended for approval.

9.0 COSTS

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

9.5 The site is within the settlement boundary and is allocated for employment use within the Local Plan and previous residential development was approved on the site.

10. APPENDICES

10.1 Draft conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00771/FUM	Barbara Greengrass Room No. 011 The Grange	Barbara Greengrass Planning Team Leader
16/00535/FUM	Ely	01353 665555 barbara.greengrass @eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 19/00771/FUM Conditions

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

Plan Reference	Version No	Date Received
Travel Plan - Care Home	Final	22nd November 2019
Travel Plan - Nursery	Final	22nd November 2019
Noise Impact Clarifications		22nd November 2019
1848/PA/005	K	22nd November 2019
1848/PA/006	K	22nd November 2019
1848/PA/007	K	22nd November 2019
1848/PA/011	B2 SHEET 1	14th August 2019
1848/PA/012	B2 SHEET 2	14th August 2019
1848/PA/020	C	14th August 2019
1848/PA/033	B	14th August 2019
Acoustic Fence		14th August 2019
Additional Noise Impact Assessment Information		14th August 2019
Technical Note		14th August 2019
Correspondence with the LLFA		14th August 2019
00009.20	P03 2OF2	11th October 2019
00009.01	P08	11th October 2019
00009.10	P03 1OF2	11th October 2019
1848/PA/003	H	11th October 2019
1848/PA/004	H	11th October 2019
1848/PA/040	B	11th October 2019
SWDS 01	Drainage Plan	11th October 2019
SWDS 02	Drainage Plan (Sections)	11th October 2019
Technical Drainage Note		11th October 2019
Technical Noise Response		11th October 2019
1848/PA/010	D2	14th August 2019
402.06594.00009.14.TR04.0		29th May 2019
TECHNICAL NOTE Response to CCC Transport Team		13th November 2019
Arboricultural Development Statement		29th May 2019
Archaeology Technical Note		29th May 2019
Ecological Impact Assessment		29th May 2019
Transport Statement		29th May 2019
Travel Plan		29th May 2019
Noise Impact Assessment		29th May 2019
Preliminary Land Quality Risk Assessment		29th May 2019
Flood Risk Assessment & Surface Water		29th May 2019
1848/PA/002		29th May 2019
1848/PA/030		29th May 2019
1848/PA/031		29th May 2019
1848/PA/032		29th May 2019
402.06594.00009.02	P01	29th May 2019
402.06594.00009.20	P01	29th May 2019
402.06594.00009.14.TR03.0		29th May 2019
402.06594.00009.14.TR02.0		29th May 2019
402.06594.00009.14.TR01.0		29th May 2019

1848/PA/001	A	7th June 2019
Surface Water Drainage Features		29th May 2019
Transport Statement	JUNE 2019 rev 2	27th June 2019
Surface Water Drainage Features		1 August 19 23rd August 2019
Surface Water Drainage	v3	9th September 2019

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

- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.

- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

- 3 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme(s) shall be implemented prior to occupation of any 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.

- 4 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) and Traffic Management Plan, shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, construction traffic routes and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

- 4 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.

- 5 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

- 5 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.

- 6 No above ground works shall commence until a detailed surface water drainage scheme for the site, based on the below documents and including details of the detention basin, has been submitted to and approved in writing by the Local Planning Authority.

- o Flood Risk Assessment and Drainage Strategy, prepared by SLR, reference 402.06594.0009.0002 V3, received May 2019
- o LLFA Response Letter, prepared by SLR Consulting, reference 402.06594.00009, received 14 August 2019
- o Updates to the Surface Water Drainage Strategy, prepared by SLR Consulting, reference 402.06594.00009, received 6th September 2019.

All infiltration features proposed at the detailed design stage must be lined. The scheme shall subsequently be implemented in full accordance with the approved details prior to first occupation of any dwelling or use of the care home or children's nursery.

- 6 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.
- 7 No above ground construction shall commence until specific details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ and completed in accordance with the approved details prior to the occupation of the dwelling to which it relates or prior to first use of the care home and children's nursery, as they relate to those uses.
- 7 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The noise attenuation measures as detailed within the Noise Impact Assessment May 2019, technical notes dated 26 June 2019 , 7 August 2019 and 20 October 2019, shall be implemented in accordance with those details and drawing number 1848/PA/007 Rev K. The 2 metre high Gramm acoustic fence, shall be constructed behind hedge H2 in a manner which minimises disturbance to vegetation and completed prior to occupation of any dwelling and retained thereafter. Within the first planting season upon completion of the erection of the fence, additional supplementary planting shall take place within the hedge H2, in accordance with the details to be submitted to approved in writing by the Local Planning Authority.
- 8 Reason: To safeguard the residential amenity of the future occupiers of the site, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 9 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.

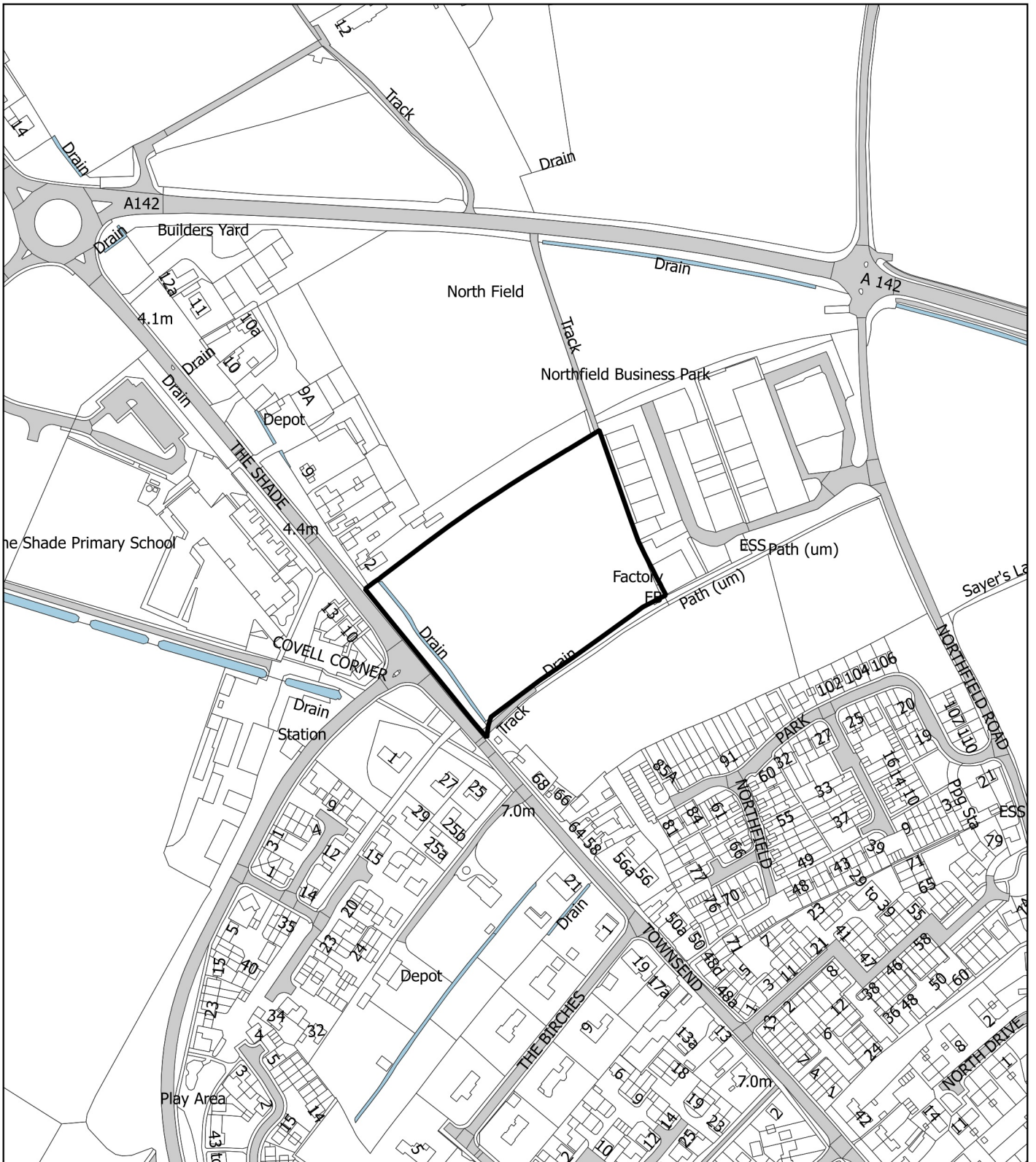
- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken 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.
- 10 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 11 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.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 7.30am to 18.00 each day Monday-Friday, 7.30 am to 13.00 Saturdays and none on Sundays, Public or Bank Holidays.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 All soft landscaping works shall be carried out in accordance with the approved details, on drawing numbers 402.06594.00009.20 - P03 and 402.06594.00009.10 - P03, dated 11 October 2019. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 13 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to first occupation of any dwelling or first use of the residential care home or children's nursery, the landscaping and parking areas associated with that plot, care home or nursery shall be provided in accordance with the approved landscaping drawings, or in accordance with any alternative timetable agreed in writing with the Local Planning Authority.

- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 No above ground construction shall take place on site, within each element of the scheme, that is, the housing as one element, the care home as one element and the children's nursery as one element, until details of the windows, wall and roof materials to be used on each have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 All hard works, including furniture, features and boundary treatments shall be carried out in accordance with the approved details, in drawing number 402.06594.00009.01 - P08 dated 11 October 2019. The works including boundary treatments, shall be carried out prior to the occupation of any part of the development to which it relates, or in accordance with a programme agreed in writing with the Local Planning Authority.
- 16 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 The development shall be carried out in accordance with the mitigation and enhancement proposals contained within Section 5.0 of the Ecological Impact Assessment dated May 2019.
- 17 Reason: To protect species and sites of nature conservation, in accordance with Policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 18 Before occupation of the first dwelling or commencement of any commercial use, the existing zebra crossing on The Shade shall be relocated and the ghost island right turn facility and associated uncontrolled pedestrian crossing installed as shown in principle on approved drawing 1848/PA/004 Rev H, in accordance with a detailed engineering scheme to be submitted to and approved in writing by the Local Planning Authority.
- 18 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 19 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on 1848/PA/006 H in writing by the Local Planning Authority.
- 19 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 20 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied or as otherwise agreed in writing with the Local Planning Authority.

- 20 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015.
- 21 Prior to first occupation or commencement of use the proposed on-site parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 1848/PA/006 H dated 8th October 2019 and thereafter retained for that specific use.
- 21 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 22 Prior to the occupation of the respective dwelling or commercial use visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 1848/PA/006 H. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 22 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 23 Prior to the commencement of the use hereby permitted visibility splays of 2m by 2m shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway.
- 23 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 24 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 24 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 25 The specific rated noise level emitted from any external plant located on the site shall not exceed 46dB during the day and 33dB at night. The noise levels shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS4142:2014 or its relevant replacement.

- 25 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan.
- 26 The balconies provided on the care home shall be constructed with frosted glass and retained as such thereafter.
- 26 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 27 No development shall take place until a scheme for the protection during construction of the trees and hedges on the site, in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 27 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 28 Except as detailed on the approved plans, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority
- 28 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 29 A Biodiversity Management Plan for the site, providing details of creation and ongoing maintenance of habitats and other biodiversity enhancements, in accordance with the measures listed in the Ecological Impact Assessment, May 2019, shall be submitted to and approved by the Local Planning Authority, prior to first occupation of any dwelling or prior to first use of the care home or children's nursery. The approved scheme shall then be adhered to thereafter.
- 29 Reason: To protect and enhance species and ensure biodiversity net gain, in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 30 Acoustically rated trickle-ventilators must be provided to bedrooms along the south-west facade of the care Home which faces The Shade, achieving a minimum rating of 23dB Dn,e,w + Ctr.
- 30 Reason: To safeguard the residential amenity of future occupiers of the care home, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 31 Prior to first occupation of any of the development, the applicant shall widen the footway fronting the site on The Shade to 2 metres in width. This should be on any land within the red line. Full details to be submitted to and approved in writing by the Local Planning Authority.
- 31 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 32 Prior to first occupation of the development, the developer shall be responsible for the provision and implementation of a Residential Welcome Pack for sustainable transport, to be approved in writing by the Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator.
- 32 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 33 The children's nursery hereby permitted shall be open for business only between the hours of 7:00am to 7:00pm Monday to Saturday and not at any time on Sundays, Bank Holidays and Public Holidays.
- 33 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



19/00771/FUM

Land parcel East of
2 The Shade
Soham



East Cambridgeshire
District Council

Date: 19/12/2019
Scale: 1:3,500



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MAIN CASE

Reference No: 19/00887/FUL

Proposal: Construction of 4no. single storey dwellings with garaging, parking & associated site works - phased development

Site Address: Land Adjacent To 2C Moor Road Fordham Cambridgeshire

Applicant: ALN Carpentry & Joinery Ltd

Case Officer: Toni Hylton, Planning Officer

Parish: Fordham

Ward: Fordham And Isleham

Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 24 June 2019

Expiry Date:
10.01.2020

[U147]

1.0 **RECOMMENDATION**

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

- 1 Approved plans
- 2 Time Limit - FUL/FUM - 2+ dwelling
- 3 Site Characterisation
- 4 Reporting of unexpected contamination
- 5 Foul and Surface water drainage
- 6 Archaeological Investigation
- 7 No piling foundations
- 8 Passing bay
- 9 Gates - restriction
- 10 Access - position and width
- 11 Visibility splays – plans
- 12 No surface water onto the highway
- 12 Boundary Treatments to be as shown on the plans
- 13 Arboricultural Method Statement
- 14 Construction times
- 15 Biodiveristy enhancements
- 16 PD – roofspace
- 17 PD – No extensions or outbuildings
18. Carports not to be enclosed

2.0 SUMMARY OF APPLICATION

- 2.1 The application proposes the erection of 4 detached single storey dwellings on a site area of approximately 0.69 hectares. The site is accessed from Moor Lane, Fordham. The 4 dwellings have the same appearance and internal layout as each other, although some are sited differently on the site. Each dwelling has 4 bedrooms, kitchen, dining area, sitting room and either a detached double garage or car port. Each plot has a garden in excess of 50 square metres.
- 2.2 The dwellings are served by an access from Moor Road and provides a bin store at the top of the site. A comprehensive landscaping scheme has been provided as well as boundary fencing details.
- 2.3 The application has been amended to reduce the built area to be under 1,000 square metres, this has been done through the loss of 2 detached garages to car ports.
- 2.4 The application has been called into Planning Committee at the request of Councillor Huffer as there were concerns with regard to the highway safety.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

10/00869/FUL	Detached dwelling	Refused	10.12.2010
15/01450/FUL	Erection of a bungalow	Approved	05.02.2015
16/00785/FUL	Construction of 4 bed detached dwelling	Refused	12.09.2016
17/00779/VAR	To vary condition 1 (Approved plans) of previously approved 15/01450/FUL for Erection of bungalow	Approved	03.07.2017
17/00871/OUT	Residential development for the construction of 4 bungalows - access and scale only	Approved	11.08.2017

17/01474/VAR	To vary Condition 1 (plans) of previously approved Application Reference Number: 15/01450/FUL for Erection of bungalow	Approved	03.10.2017
17/01757/FUL	Proposed demolition of existing outbuilding and replacing with detached dwelling and associated works	Refused	20.12.2017
17/02152/FUL	Erection of bungalow	Refused	07.03.2018
19/00882/FUL	Erection of a dwelling	Withdrawn	18.08.2019

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside of the established development framework of Fordham, in an area of countryside. The site is currently in use as paddock and grazing land. There is an extant planning permission for the construction of a detached dwelling on land adjoining the north-west boundary of the site. The boundaries of the site are marked by post and rail fencing. The site adjoins the rear boundaries of dwellings on Carter Street and Grove Park with open countryside to the north and east.

5.0 RESPONSES FROM CONSULTEES

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

Cambridgeshire Archaeology - 8 July 2019

No objection subject to a condition requiring a Written Scheme of Investigation.

Housing Section - 8 July 2019

If the site is over 1 hectare there needs to be an affordable housing provision in line with NPPF.

The Ely Group Of Internal Drainage Board - 15 July 2019

The Board have no comment to make from a drainage point of view.

Parish - 28 August 2019

States "Construction of 4 single storey dwellings land adjacent 2 C Moor Road Amendment ref: 19/00887/FUL

The proposal for the 2 additional parking spaces appears from the plan No 19002-9 REV A to be a garage. There are no plans, elevations or measurements for this additional building.

The size of the passing bay is inadequate and the Parish Council ask that the Highways Authority be consulted as it understands according to Appendix A of HS2 Rural Road Design Criteria clause A.6.10 that "the combined width of a single -

track road plus passing bay shall be 5.5 metres over a length of 5 metres (or 15 metres where likely to be used by buses or heavy goods vehicles). Moor Road is heavily used by 38 tonne HGV's during harvest time together with combine harvesters and delivery lorries and at a lesser extent other times of the year. At the position of the passing bay shown on the drawing No 160533-03 the existing carriageway is only 3.1 metres and the verge is 2.4 metres to the edge of the ditch.

The Parish Council wish to emphasise the Fordham Neighbourhood Plan made in December 2018.

This site is in open countryside and is outside the development envelope as shown in the FNP.

The Parish Council supported the previous approved application Ref: 17/00871/OUT following a meeting on 23rd January 2017 with the Applicants, Oxygen Real Estate Group, because of its assurance that the proposal was for 4 small bungalows for older people who wished to downsize and young people looking to get onto the housing ladder. This is shown in the Community Consultation Leaflet which formed part of the application.

A comment of the Parish Council on the 8th June 2017 was for "permissive development rights to be removed to ensure these remain 2 bed bungalows"

The planning Officer considered that it was not reasonable to restrict the ability for the dwellings to be extended.

However to ensure that the development remained as small bungalows Clause 17 of the Conditions are very clear and state "The number of dwellings hereby approved shall be limited to four and each dwelling shall have a maximum ridge height of 5.5 m, a maximum eaves height of 2.5 m and a maximum foot print of 12m X 15m".

The approved application 17/00871/OUT complies with the FNP clauses 2.21, 2.23, 4.2, 4.9 and 4.10. In particular Policies 4.9 and 4.10 are very clear "Affordability of housing is also an issue in Fordham... and Applications for affordable housing on sites outside of, but immediately adjacent to, the Development Envelope should only be approved exceptionally....."

The application before us 19/00887/FUL shows a poor layout and is for 4 large 4 bedroom bungalows. Fordham is already showing growth of 43% and a further development of expensive dwellings is unnecessary and unacceptable.

It must NOT be assumed that a principal of development has been established.

As demonstrated above this site should only be for 4 affordable single storey dwellings.

This application must be refused on the grounds that it does not comply with the Fordham Neighbourhood Plan."

Parish - 30 July 2019

States "Previous applicant consulted with Fordham P.C. January 2017 - and this resulted in an application for 4 No - 2 bed bungalows providing urgently needed affordable housing for the young and elderly. Certain conditions were included in the Planning Permission:

10. access located in position shown on drawing No 160533-03 ref A.

17. number of dwellings approved limited to four and each dwelling shall have a max ridge height of 5.5m, max eaves height of 25m and max footprint of 12m x 15m or 180 sq mtrs.

Fordham Parish Council object to this application.

Access should remain in the position which has been approved by the planning approval 17/00871/OUT

It is unacceptable that there are no measurements shown on the drawings

The footprint of these proposed dwellings is 304 sq metres or 70% larger than those already approved

The site is 6993 sq mtrs of 7.0 hectares and does not provide any affordable housing which does not comply with NPPF 2019

The layout of the dwellings is totally unacceptable as they all face each other instead of that which has already been approved all looking over the open fields.

Application 17/00871/OUT was approved before the FNP was created.

It is the view of the Parish Council that this new application should be refused as it is outside the development envelope as shown in the FNP, and construct the much needed affordable dwellings already approved.”

Parish - 15 November 2019

Fordham Parish Council have asked me to re-send their statement with regards to the above Amendment.

Ward Councillors – Cllr Julia Huffer has requested that the application is presented the planning committee on the basis that there is concern over the width of the pavements and roads.

Local Highways Authority - 25 November 2019

States “I have no objections The amended plan does not make any changes to access, parking or turning arrangements and the conditions and informative recommended previously in correspondence dated 30th October 2019 therefore remain fully applicable.”

Local Highways Authority – 30th October 2019

States “After a review of the amended layout and access arrangement on drawing 19;002-9 Rev B I have no further objections

Prior to the start of construction the layby as shown on drawing number 19;002-9 Rev B is installed and constructed to CCC specification

HW11A – Access arrangement is laid out to approved drawing number 19;002-9 Rev B and constructed to CCC specification

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

ECDC Trees Team - 22 November 2019

States “No tree related objections to this application.”

ECDC Trees Team - 25 July 2019

States “The tree species indicated are a good choice and are suitable for this rural location, the trees locations need re thinking as some of them appear to be so close to the proposed fences that they will soon impact with the fences likely leading to their early removal, the trees should be a minimum of 1m from fences to allow for future growth and maintenance of the ground round their base.

The use of Portuguese Laurel as hedging is no appropriate for this rural location a native species would be better an single species such as Beech or Hornbeam would still provide a more formal appearance or a mixed species native hedge would give a less formal appearance but provide greater biodiversity and a greater range of interest with different flowering and fruiting times.”

Enforcement Section - No Comments Received

Environmental Health - 5 July 2019

No objection subject to conditions requiring the submission of a contamination assessment; construction times and restriction of piling foundations.

Waste Strategy (ECDC) - 19 July 2019

No objection subject to the payment towards the provision of bins.

5.2 Neighbours –23 neighbouring properties were notified and 20 responses were received and are summarised below. A full copy of the responses are available on the Council’s website. A site notice was displayed on a telegraph pole near the site on 9th July 2019.

- Outside of the development framework (Local Plan and Fordham Neighbourhood Plan)
- Highway safety, including increase in traffic
- Out of character for the area
- Encroachment into the countryside
- Too larger dwellings
- Makes no contribution to the area
- Overdevelopment
- Tree boundary is not managed
- Potential for overlooking
- Access and passing space too small
- Noise and disturbance
- Lack of privacy
- Impact on nature
- Lack of affordable housing

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy

GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 9	Pollution
ENV 8	Flood risk
COM 7	Transport impact
COM 8	Parking provision
ENV 14	Sites of archaeological interest

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

Fordham Neighbourhood Plan

6.3 National Planning Policy Framework 2019

2 Achieving sustainable development

11 Making effective use of land

12 Achieving well-designed places

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

16 Conserving & enhancing the historic environment

15 Conserving and enhancing the natural environment

5 Delivering a sufficient supply of homes

7.0 PLANNING COMMENTS

7.0.1 The main issues to consider in the determination of this application are the principle of development, comparison of previously approved scheme, visual amenity, highway safety, residential amenity, drainage and flood risk and ecology and biodiversity.

7.1 Principle of Development

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

7.1.2 The benefits of this application are considered to be: the provision of four residential dwellings built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.

- 7.1.3 The site is located outside the established development framework of Fordham, however, the site adjoins the settlement boundary in a number of places. The site is therefore considered to be sufficiently well connected to the settlement, alongside a number of residential dwellings and within close proximity to the facilities and services on offer in the village.
- 7.1.4 The fact that the Council cannot currently demonstrate that it has an adequate five year supply of housing does not remove development envelopes. It does however restrict the application of policy GROWTH 2 within the Local Plan, which states that outside defined development envelopes, development will be strictly controlled and restricted to the main categories set out within the policy. The Council can demonstrate that there is 3 years of housing land supply in Fordham and this is established through the Fordham Neighbourhood Plan. This document is considered to have considerable weight in the determination of the application.
- 7.1.5 There have been a number of applications in connection with this site, or smaller parcels of land forming part of this site, in recent years. Applications for the construction of a dwelling were refused in 2005, 2010 and 2012 and all subsequently dismissed on appeal. On each occasion the proposal was found to be contrary to the policies in place at the relevant time to prevent development in the countryside. Since then a dwelling has been allowed on the adjoining site known as 2C Moor Road, this was subject to an appeal in 2018 and was allowed. The site saw in 2017 planning permission granted for 4 dwellings on a slightly larger site and the planning permission is an extant, at the time of this submission, there has been no significant policy change other than the adoption of the Fordham Neighbourhood Plan that would resist this development. It is accepted it is outside of the development envelope for Fordham contrary to the Neighbourhood Plan, however, it was at submission an extant permission and it would be unreasonable of the Local Planning Authority to consider this application anything but in principle acceptable, subject to other material considerations.
- 7.1.6 As shown in the planning history, there was an application for an additional dwelling by the same agent, yet shown as a different applicant. The agent was advised that the Local Planning Authority would not support both applications and recommended that one of the applications was withdrawn, as it is likely the Local Planning Authority would not be able to support an additional dwelling on the site in line with the Fordham Neighbourhood Plan. This land is still shown on the plans as outside of the development site for this application and to date no information of what will happen with this land in the long run has been provided. Should further applications be made for additional dwellings on the land adjacent to the application site there will be a requirement for a contribution towards affordable housing as the built area does not exceed 1,000 square metres. The development would be considered as a single development and would meet the requirements of the NPPF to provide affordable housing.
- 7.2 Comparison of previously approved scheme
- 7.2.1 In 2018 outline planning permission was granted for the erection of 4 single storey buildings 5.5 metres in height with a maximum footprint of 12 by 15 metres. The site was

larger at 0.95 hectares. No details of design was provided and the access was located closer towards 2C Moor Road.

7.2.2 The application subject of this application is smaller at 0.69 hectares and provides 4 dwellings at a height of 5.5 metres. The footprint of the proposed dwellings is shown to be 21 metres by 16 metres and double garages with the access further away from 2C Moor Road.

7.2.3 The main differences between the proposals is the site area and amount of footprint for the dwellings. Whilst it would be preferable to see these reduced in size, the density of the proposed development is 6 dwellings per hectare which is considered to be a low form of development, whereas the slightly larger site would equate to 5 dwellings per hectare. The proposal would equate to 0.0937 hectare of developed area, with the remaining 0.6 hectare for open space. Whilst it is accepted the proposal does increase the built form of the site it cannot be considered to be a form of over development and provides in excess of the standards set out within the Design Guide. On this basis the proposal is considered to comply with policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan 2015.

7.2.4 The site is smaller compared to the outline planning application and the area not part of the application was subject to an outline planning application for a single dwelling. This was later withdrawn by the applicant.

7.3 Visual Amenity

7.3.1 The site is located on the edge of the settlement of Fordham, with residential dwellings to the south and west of the site. The northern and eastern boundaries are open to the countryside and any development on the site will be visible when travelling along Moor Road towards Carter Street.

7.3.2 The applicant is aware of the planning history of the site and is therefore proposing a low density form of housing limited to four single storey dwellings. The proposal will effectively infill an area between the existing built form on Moor Road and dwellings to the south of the site on Grove Park and the granting of consent for development on this site does not set a precedent for further development along Moor Road.

7.3.3 The proposal will have an urbanising effect on this area. The original outline consent given in 2017 was for 4 single storey dwellings approximately 5.5 metres in height. This proposal is also for 4 dwellings approximately 5.5 metres in height, albeit on a smaller site. However, the proposal would still be considered as a low density form of development with substantial gardens and spacing between the dwellings. On balance it is considered that any adverse effects on the character and appearance of the area would be outweighed by the benefits of the scheme as detailed above.

7.3.4 The 4 dwellings have been designed to be low in height and to enable space around the buildings on a site at the edge of a settlement. The external appearance of the dwellings is not considered to be out of keeping with the character of the area. The proposed materials include render, flint, red facing brickwork to the plinth

and a grey interlocking roof tile all of which have been used in the local area. On this basis the proposal is considered to comply with policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan 2015.

7.4 Residential amenity

- 7.4.1 The main neighbours to be affected by the proposal 2C and 2B Moor Road; 15, 17 and 19 Grove Park and 186 to 174 Carter Street.
- 7.4.2 2C and 2B Moor Road are storey and half detached dwellings and the nearest proposed dwelling would be plot 4 which is in excess of 40 metres away from the dwellings. It is considered that this distance would not lead to the potential for overlooking and would not be overbearing on the existing dwellings. Whilst the properties may have sight of the proposal this would not be to the detriment of their amenities.
- 7.4.3 15, 17 and 19 Grove Park are 2 storey dwellings and the nearest plots, 2 and 3 are between 24 and 30 metres away from the existing dwellings. It is considered that the distances from the existing dwellings to the proposed dwellings is in excess of the standards set within the Design Guide, these are single storey dwellings and would not be able to overlook the neighbouring properties, be overbearing or lead to a loss of light. Again these properties may have sight of the proposal but it is not considered to be at the detriment of their amenities.
- 7.4.4 The properties along Carter Street are in excess of 70 metres from the boundary of the site and the potential for harming the amenities of these neighbours is unlikely by way of overlooking, being overbearing or loss of light. These dwellings are closer to other residential properties. There may be during construction some disturbance, however this can be conditioned to restrict the working hours of the development.
- 7.4.5 It is accepted that the adjoining neighbours may have some visual sight of the proposal however this will not compromise their amenities by way of overlooking, loss of light or being overbearing. A condition restricting windows or the conversion of the loft space to habitable accommodation can be attached to any planning permission granted to ensure these amenities are maintained. On this basis the proposal is considered to comply with policy ENV2 of the East Cambridgeshire District Council Local Plan 2015.

7.5 Historic Environment

- 7.5.1 The Historic Environment Team at the County Council has recommended that a programme of archaeological investigation is undertaken prior to development commencing. This can be secured by condition. On this basis the proposal is considered to comply with policy ENV14 of the East Cambridgeshire District Council Local Plan 2015.

7.6 Highways

- 7.6.1 Access for the 4 dwellings is from Moor Road, the original scheme included a footpath at the site but did not connect to another footpath and provided a passing bay, this was offered by the applicant at the time. In consultation with the Highways

Officer, the provision of footpath was seen as unnecessary as it failed to connect with a footpath anywhere else along Moor Road and would therefore seem unreasonable to ask for it. In addition it would have resulted in the loss of trees to the front of the 2C Moor Road which make a contribution to the character of the area. On this basis it was considered the need for a footpath that didn't go anywhere was unreasonable.

- 7.6.2 The site can provide a minimum of 2 parking spaces per dwelling and safe access within the site which can also enable a fire appliance to manoeuvre. It is considered that the site can provide safe vehicular and pedestrian access and subject to conditions which include constructed to Cambridgeshire County Council standards and the provision of the passing bay. On this basis the proposal is considered to comply with policies COM7 and COM8 of the East Cambridgeshire District Council Local Plan 2015.
- 7.6.3 A number of concerns have been raised with regard to highway safety and the increase in the size of dwellings and likely increase in traffic. The Local Planning Authority does not apply parking spaces to the equivalent of bedrooms, as such the site can adequately accommodate in excess of 2 spaces per dwelling in line with the requirements of policy COM7 of the East Cambridgeshire District Council Local Plan 2015.
- 7.6.4 In consultation with the Highways Officer no objections were raised with regard to the amount of traffic using Moor Lane and with the provision of a passing bay, which is the same as proposed with the extant planning permission. On this basis it is considered that the proposal complies with policy COM8 of the East Cambridgeshire District Council Local Plan 2015.
- 7.7 Ecology
- 7.7.1 In the submission of the outline planning permission in 2017 the application was supported by an Ecological Assessment. The conclusion of the report was that the site had limited potential for protected species and any development of the site should include a net biodiversity gain. No mitigation measures were proposed only enhancements. Whilst the report is over 2 years old, the site has seen little change and would be unreasonable to request a further report as the report is likely to draw the same conclusions. The proposal includes a mix of planting and a condition requiring a detailed biodiversity scheme can be requested by way of condition. On this basis the proposal is considered to comply with ENV7 of the East Cambridgeshire District Council Local Plan 2015.
- 7.8 Flood Risk and Drainage
- 7.8.1 The site is located in Flood Zone 1, where the majority of development should be directed to. The proposal will result in the partial development of a Greenfield site with areas of hardstanding that will no longer be able to take surface water. The applicant had submitted a Flood Risk Assessment as part of the outline planning application and this confirmed that a sustainable drainage system can be incorporated into the scheme. It is considered that since the determination of this previous application the ability to provide a sustainable drainage system will not

have changed, and this can be secured by planning condition in accordance with Policy ENV8

7.9 Affordable Housing

7.9.1 Some concerns with regard to the lack of affordable housing have been raised. The NPPF requires that sites over 1 hectare and 1,000 square metres of floor space requires the provision of affordable housing. The site is under 1 hectare and each dwelling is approximately 223 square metres, there are 2 double garages of 36 square metres giving the total floor area of development as just under 1,000 square metres at 964 square metres. As such it is not a requirement for the provision of affordable housing on this site. A condition restricting any extensions to the dwellings will be required to ensure the visual impact of the proposed development is controlled for the future but also to ensure that the development does not exceed 1,000 square metres shortly after approval; therefore requiring an affordable housing contribution.

7.10 Renewable Energy

7.10.1 As the development is for 4 dwellings there is no requirement for the provision of renewable energy to be incorporated into the final build of the development. However, should dwellings come forward on the land adjacent to the site, which was part of the outline application a full renewable energy strategy would be required for this additional house, demonstrating that it would exceed 10% above building regulations for all of the dwellings in order to comply with policy ENV6 of the East Cambridgeshire District Council Local Plan 2015.

7.11 Planning Balance

7.11.1 The benefits of the proposal have been clearly set out in this report and comprise an additional four dwellings to be added to the District's housing stock, together with the associated economic benefits from the construction process and continuing contribution to the local economy by further occupiers. These benefits attract significant weight in favour of the proposal. The proposal will extend the built form out into the countryside, however, the scale of the proposal is such that it can be accommodated without having a significant adverse effect on the visual amenity of the area. There is ample space on the site for landscaping to help to assimilate the development into its surroundings. Subject to the imposition of suitable conditions relating to landscaping and the restriction of permitted development rights in respect of loft conversions it is considered that the proposal can be made acceptable. The proposal does not raise any issues in relation to residential amenity, highway safety and ecology that cannot be adequately dealt with by condition.

7.11.2 On balance it is considered that the benefits of the proposal outweigh any adverse effects on the character and appearance of the area and that, in accordance with the presumption in favour of sustainable development, the application is therefore recommended for approval.

8.0 APPENDICES

8.1 Conditions

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

Plan Reference	Version No	Date Received
19; 002- 9	D	18.12.2019
19:002- 10	A	18.12.2019
19:002 – 20	A	18.12.2019
19:002 – 30		01.07.2019
19:002 – 40		10.07.2019
160533 0-TK05		15.08.2019
160533 0-TK03		15.08.2019

- 1 Reason: To define the scope and extent of this permission.
2. The development hereby permitted shall be commenced within 2 years of the date of this permission.
2. Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
3. No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

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

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

approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

4. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
5. No development shall take place until a scheme to dispose of surface and foul water; has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of the dwellings hereby approved.
5. Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
6. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
6. Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
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.
8. Prior to commencement of development details of the passing bay, based upon the details shown on Drawing No.19;002- 9 Rev C, shall be submitted to and approved in writing by the Local Planning Authority. The passing bay shall be installed and be fully operational prior to first occupation of any dwelling.

8. Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015
9. The access shall be as shown on 19;002 – 9 Rev C and thereafter retained in perpetuity.
9. Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015
- 10 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 access within 5 metres of the public highway, as shown on 19;002 – 9 Rev D.
- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to first occupation visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 19;002 – 9 Rev C. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
12. The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
12. Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 The boundary treatments shown on 19;002 Rev C. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the dwellings hereby approved.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous

hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

- 13 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 14 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00 - 18:00 each day Monday-Friday, 08:00 -13:00 Saturdays and none on Sundays or Bank Holidays.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 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
- 15 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 16 Notwithstanding the provisions of Schedule 2 Part 1 Class A and Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the roofspace of each dwelling shall not be extended or altered in any way and shall not be used as habitable accommodation.
- 16 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling, without the prior written consent of the Local Planning Authority.
- 17 Reason To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and to ensure the built development does not exceed 1,000 square metres in accordance with policy HOU3 of the East Cambridgeshire District Council Local Plan 2015.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the car ports to plots 1 and 2 shall remain in perpetuity as car ports at no time shall doors be added without the prior written consent of the Local Planning Authority.

- 18 Reason To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and to ensure the built development does not exceed 1,000 square metres in accordance with policy HOU3 of the East Cambridgeshire District Council Local Plan 2015.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00887/FUL	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Planning Officer 01353 665555 toni.hylton@eastca mbs.gov.uk
10/00869/FUL		
16/00785/FUL		
17/00779/VAR		
17/00871/OUT		
17/01474/VAR		
17/01757/FUL		
17/02152/FUL		

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>

MAIN CASE

Reference No: 19/00897/FUL

Proposal: Temporary erection of a single storey marquee for functions, outside bar and store forming an annexe to existing hotel (retrospective)

Site Address: The Three Pickerels 19 Bridge Road Mepal Ely
Cambridgeshire CB6 2AR

Applicant: Mr Paul Kenyon

Case Officer: Molly Hood, Planning Officer

Parish: Mepal

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

Date Received: 20 August 2019 **Expiry Date:** 13 January 2020

[U148]

1.0 RECOMMENDATION

1.1 Members are recommended to refuse the application for the following reasons:

- 1 The proposal, due to its light weight marquee material and proximity to the surrounding neighbouring properties would cause significant and demonstrable harm to the residential amenity of neighbouring occupiers, due to the excessive noise and disturbance. This is contrary to policy ENV2 and EMP2 of the Local Plan 2015 which seeks to ensure that there are no significantly detrimental impacts on the residential amenity of neighbouring and future occupiers as a result of the new development.
- 2 The proposal fails to provide adequate parking facilities to sufficiently accommodate the volume of guests which the venue could hold. The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard required by the Local Planning Authority. The proposal, if permitted would therefore be likely to result in an undesirable increase in on-street parking to the detriment of highway safety. The proposal is contrary to policies COM7, COM8 and EMP2 of the East Cambridgeshire Local Plan 2015.
- 3 The marquee and shipping container would have a significant visual prominence from the streetscene of Bridge Road and from Footpath No.7. The proposed development, by virtue of its design, scale and siting, is considered to

be out of character with the existing traditional built form in the area and would result in a dominant form of incongruous development. The proposal would cause significant harm to visual amenity and is contrary to Policies ENV1, ENV2 and EMP2 of the East Cambridgeshire Local Plan 2015 and chapter 12 of the NPPF.

- 4 The proposal fails to provide an adequate Flood Risk Assessment and insufficient information has been submitted to demonstrate that the proposed development would be safe from flooding and the proposal is therefore contrary to policy ENV8 of the Local Plan 2015 and Chapter 14 of the NPPF.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks permission for the temporary erection of a single storey marquee between the months of April to October. Additionally the application seeks permission for an outside bar and store which are situated within a converted shipping container. The container measures 6.2m, with a width of 2.3m and a maximum height of 2.5m. The marquee and outside bar are proposed to be used for functions as part of The Three Pickerels, in particular birthday parties, weddings and receptions. The shipping container would form a permanent structure on the site. The structure has already been in use throughout 2019 and was present at the time of the Officer site visit.
- 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.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application has been called into Planning Committee by Councillor Dupre. The Councillor believes that the marquee is a temporary structure with no permanent detrimental impact on the Grade II Listed property and the applicants have worked hard to make close neighbours aware of the events. Additionally, the holding of events is already permitted inside the Three Pickerels and there is nothing to stop people congregating in the gardens. The site is low risk for flooding and people already park on the road which is for short periods of time, with very limited impacts.

3.0 PLANNING HISTORY

03/00388/FUL	Conservatory extension to Public House	Approved	19.06.2003
17/00623/FUL	Proposed extensions, loft conversions & alterations plus change of use from public house to hotel	Refused	11.07.2017

17/01738/FUL	Extensions, loft conversion and alterations plus change of use from public house to hotel	Approved	07.12.2017
08/00329/FUL	Proposed external dining deck, fire escape staircase, internal alterations to form bed and breakfast accommodation and change existing window to rear entrance door, and redesign of approved conservatory	Approved	20.05.2008

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is a detached building with the permitted use as a hotel, known as The Three Pickerels. The site is setback from the highway, accessed of a further road off Bridge Road. Parking for the site is to the front of the building and adjacent to the north-west is the New Bedford River, which forms part of the SSSI and Ramsar site of the Ouse Washes. As a result the site is located within Flood Zone 3. Although the site is located outside of the defined development envelope, there a number of residential properties in close proximity.

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.

Conservation Officer – 5 December 2019

The application site has little or no inter-visibility with any heritage assets in the vicinity and is unlikely to have any demonstrable impact on their significance.

Recommendation: no objection

Asset Information Definitive Map Team - 11 September 2019

Public Footpath 7 Mepal must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s137 of the Highways Act 1980 to obstruct a public Highway).

Public Footpath 7 Mepal must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under s34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority)

No alteration to the Public Footpath 7 Mepal`s surface is permitted without our consent (it is an offence to damage the surface of a public right of way under s1 of the Criminal Damage Act 1971).

The granting of planning permission does not entitle a developer to obstruct a Public Right of Way

Cambridge Ramblers Association -
No Comments Received

Environmental Health - 10 September 2019

Environmental Health have raised some concerns regarding this application.

The department has received several complaints regarding functions in the marquee. There are residential properties in close proximity to the site and whilst I have no objections to the structure itself (as entertainment could still take place externally without this application being granted) it would be sensible to incorporate as much noise mitigation as practicable to prevent a negative impact on the residential amenity of nearby residents.

Effectively soundproofing a marquee is difficult due to the lightweight material they are comprised from but there are options available to fit solid sides which will help control some of the frequency spectrum and I would advise the applicant to look in to this so as to demonstrate best practicable means of preventing a nuisance. The most important element of noise control will be a robust noise management plan. I would request that if permission is granted there be a condition which stipulates a noise management plan must be submitted and approved by the LPA. I believe that the LPA have a frequently used condition for NMPs but let me know if you need any guidance wording this.

If permission is granted it may also be necessary to limit the number of events held in the marquees as well as the timings. I can discuss this with you at a later time if required.

Finally, the applicants should be advised that planning permission does not confer immunity from action under statutory nuisance. Either by local authority or a private individual.

15 October 2019

The Environmental Health Technical Officer would like to make some additional comments to the previous response

‘You have shown me images of the marquee and explained the scale of the development which I had not fully appreciated before I made my previous comments. As it is now apparent that wedding functions of up to 150 people would not be able to take place without this application being granted I need to reiterate my concerns with regard to noise. I am struggling to think of other examples of wedding venues in such close proximity to residential dwellings within our district. It may be possible to put some stringent planning conditions on the application to prevent amplified music within the marquee or restrict the number of events to be held but with up to 150 people attending I can still see the potential for noise nuisance on neighbouring properties.’

For these reasons, with the information provided I find myself unable to support the application at this time.

Technical Officer Access - 4 September 2019

Route to facilities/WC, path from the hotel should be firm, level and slip resistant. Consider provision of a temporary accessible toilet close to the marquee.

Path from the parking should be firm, level and slip resistant and well sign posted.

Accessible parking should be at least 6%, and as close to the building as possible.

Good general directions internally and externally.

Good lighting required.

Historic England - 2 September 2019

On the basis of the information available to date, we do not wish to offer any comments. We suggest you seeks the views of your specialist conservation and archaeological advisers.

Ward Councillors -

No Comments Received

ECDC Trees Team -

No Comments Received

Parish - 2 September 2019

Mepal Parish Council have no concerns about the application.

Environment Agency - 16 September 2019

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

The FRA submitted with this application does not comply with the requirements for the site specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks associated with the proposed development. In particular, the FRA fails to:

- Include all the available information on the flood risk at the site.
- Demonstrate that the residual risk of flooding on the event of a breach of the Hundred Foot Drain flood defences can be safely managed.

The Flood Risk Assessment (FRA) does not consider the residual risk of flooding in the event of a breach of the Hundred Foot Drain. Our Fenland breach mapping and Tidal Hazard mapping both indicate that the site could flood to a depth of over 2m in the event of a breach of the Hundred Foot Drain flood defences.

Given the expected depth of the flooding in the event of a breach, the FRA will need to demonstrate that the marquee will be designed to allow flood waters to pass through them and to be able to withstand the expected hydrostatic pressure of water in such an event.

The FRA needs to assess the means of access and egress to and from the development in the event of extreme flooding and should include a flood warning and evacuation plan.

Under the terms of the Environmental Permitting Regulations (EPR), a permit may be required from the Environment Agency for any proposed works or structures within the floodplain or in, under, over or within 8 metres from the top of the bank of the Hundred Foot Drain, which is designated a 'main river'.

The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit.

Local Highway Authority – 22 October 2019

The Highway Authority objects to the application for the following reasons:

1. The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard required by the Local Planning Authority. The proposal, if permitted would therefore be likely to result in an undesirable increase in on-street parking to the detriment of highway safety.

Footpath No.7 runs past this development site and as such I would recommend that the CCC RoW team are consulted.

Natural England – 20 December 2019

The main issue is likely to be noise disturbance to qualifying breeding bird species of the Ouse Washes SSSI, SPA and Ramsar site, given the April – October operational period. However, I think this is likely to be low risk given the distance between the development and main bird breeding habitat within the Washes, and the buffering effect of the Hundred Foot and other built infrastructure.

- 5.2 A site notice was displayed near the site on 9 September 2019 and a press advert was published in the Cambridge Evening News on 5 September 2019. In addition seven neighbouring properties have been directly notified by letter. Five responses have been received which either raise concern or offer support, these are summarised below:

- The events hosted have an impact on surrounding residential properties.
- The lights and noise affect our ability to enjoy our property.
- Concerns of littering of the surrounding green areas and wildlife effects.
- The marquee has been in use for the past year for wedding receptions, quiz nights, day events.
- There is nothing substantial in the marquee to reduce the noise.
- Music is sometimes played from early afternoon to midnight when there is an event on.
- The venue creates an intrusion to our home due to the not being able to escape the noise.
- The landlords were advertising it to cater for up to 150 people and there are concerns over parking.

- The use of the two industrial containers is out of keeping with the area and there is a Grade II listed building nearby.
- When there is an event there is a portaloo and there has since been the introduction of additional lighting.
- The lighting is intrusive and shines into our conservatory.
- The footpath is at times blocked with vehicles and the surface has been damaged.
- The structure has been there for some while and has never looked out of place.
- It is in a secluded part of the hotels rear aspect and does not impact the environment.
- It brings visitors to the community, generate employment and put Mepal on the map.
- There is minimal impact to the pub users or local residents when the marque is in use.
- It is used in frequently.
- If this was to be rejected another Cambridge village amenity would be lost.
- It brings positive attributes to the village.
- The owners work to rectify any problems that arise.
- The structure does not impact the surrounding area in face it enhances it.
- It brings more visitors and employment to the village

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 8	Flood risk
ENV 12	Listed Buildings
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
EMP 2	Extensions to existing businesses in the countryside

6.2 Supplementary Planning Documents

Design Guide
Flood and Water

6.3 National Planning Policy Framework 2019

- 6 Building a strong competitive economy
- 9 Promoting sustainable transport
- 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 considerations of this application are: principle of development, impact on the conservation area and heritage assets, highways safety, impact on residential amenity, flood risk and impact on visual appearance and character of the wider area. In 2017 Planning Committee permitted the change of use of The Three Pickerels from a public house to a hotel, which included external alterations and additions to the building. From the officers site visit it was noted that no building work has commenced on the site.

7.2 Principle of Development

7.2.1 Policy EMP2 of the Local Plan allows for proposals to expand existing businesses in the countryside but only where certain criteria are complied with. In particular, development must not harm the character and appearance of any existing buildings, remain in scale with the location and not have a significant adverse impact in terms of the amount or nature of traffic generated. This report will demonstrate that the proposal fails to meet the criteria as set out within Policy EMP2 of the 2015 Local Plan.

7.3 Residential Amenity

7.3.1 Policy ENV2 and EMP2 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 marquee is situated to the south of the public house and would sit adjacent to the eastern outbuildings which are associated with the public house. It is considered that the location of the marquee and shipping containers would not result in overshadowing and overbearing as the structure itself does not sit directly adjacent to the neighbouring residential properties. However, the site is surrounded by residential dwellings and on the same side of the bank as the venue there is one residential property to the north. On the opposite side of the bank there are five residential properties and some of these project towards The Three Pickerels.

7.3.2 A number of comments have been received that have raised concerns over the disturbance caused by the events held in the marquee and site. In particular it is the noise and light disturbance that have caused issues with the surrounding residents. Additionally Environmental Health have received complaints and advised at present with the information provided they would be unable to support the application. The comments add that it may be necessary to include planning conditions to prevent amplified music within the marquee or restricted the number of events in order to reduce the impacts on the residents nearby. However, with up to 150 people attending, the Officer advised there still is the potential for noise nuisance to the neighbouring properties even if the restrictions were imposed. The structure has been present throughout the summer months and a number of events have already taken place, thus the impacts can be assessed. Whilst there has been comments of support for the application and the benefits it brings to the village, it is considered due to the close proximity of the site to residential dwellings there would be significant harm to residential amenity.

7.3.4 The location of the marquee means the west of the site is open and noise would therefore be able to travel across the river towards the residential dwellings. It is considered that the introduction of a marquee within this location for seven months of the year is inappropriate as the site is not isolated and is surrounded by a number of residential properties where the events could cause noise and disruption into unsociable hours. The application form indicates that events would be limited to Friday, Saturday and Sundays, within the time frames of 12:00 – 00:00. The application also advises that at a maximum of two events would occur per month. However, the possibility of events not finishing until midnight and the potential for a total of 14 events across the period, it is considered the location, times and numbers are not appropriate for the site and would result in substantial harm to residential amenity. Therefore the proposal conflicts with policies ENV2 and EMP2 of the East Cambridgeshire Local Plan 2015.

7.4 Visual Impact & Heritage Assets

- 7.4.1 Policy ENV1 requires proposals to demonstrate that their location, scale, form, design, materials and colour will create positive complementary relationships with existing development to ensure that it will protect, conserve and where possible enhance. The proposed marquee is visible from numerous points and although the existing hotel obscures views of the part of the proposal from Bridge Road, there are still sufficient views of the marquee for it to have a presence within this streetscene. The greatest view of the marquee is from the public footpath which runs along the site to the east, where the full scale of the structure is at its most visible from this point. Additionally the marquee can be viewed from the river and there are limited views from the bridge and the other side of the bank. Concerns have been raised by the surrounding properties that the containers are out of keeping with the area.
- 7.4.2 The location, scale and form of the marquee are not sympathetic to the existing character of the area and the proposal is not considered to result in any enhancement to the visual appearance of the area. Furthermore, due to the footprint of the structures, including the marquee and shipping containers, the majority of the outdoor garden space of the venue is consumed by these features. The proposal is considered to create a dominant feature to the rear of the venue and whilst it is understood that this area is outdoor space of The Three Pickerels and could be used in conjunction with the pub, it doesn't mean that a structures that have such visual prominence and detriment to the area should be permitted.
- 7.4.3 The proposed structures would not create a positive and a complementary relationship, nor does it respect the existing development as the design, materials and colour are not complementary to the existing local context of the traditional buildings which surround the site. The Three Pickerels, the adjacent building and neighbouring property are very traditional in design. The colour and scale of the marquee adds to the presence of the structure and the white is very prominent against the traditional materials of the surrounding buildings. It is considered that the location, colour and materials of the proposal are not sympathetic to the surroundings and create prominence within the streetscene. The proposal is contrary to policies ENV1, ENV2 and EMP2 of the 2015 Local Plan, as well as the

NPPF as it fails to be sympathetic to the local character, which includes the built environment and the landscape.

- 7.4.4 To the north of The Three Pickerels is the residential dwelling No.15 which is a Grade II Listed Building. 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.”
- 7.4.5 The Three Pickerels does form part of the setting of the Listed Building and the marquee is visible from the property as well as within the setting. Policy ENV12 relates to developments which are situated within the setting of Listed Buildings and proposals have to comply with the requirements of the policy. In particular ENV12 requires proposals to preserve and enhance those elements which make a positive contribution to better reveal the significance of the heritage asset. As well as not materially harming the immediate or wider setting of the Listed Building. The setting may extend beyond the immediate building curtilage and may include an extensive street scene or a wider urban design context.
- 7.4.6 Whilst the proposal does not make a positive contribution or enhance the setting of the Listed Building, it is considered that due to the distance which the proposal sits away from the Listed Building there would not be substantial harm to the heritage asset. The proposal would result in less than substantial harm to the buildings significance as a result of the distance and only a section of the marquee being visible within the setting. It is acknowledged there would be some public benefits of the scheme. The Conservation Officer advised that the application has little or no inter-visibility and is unlikely to have demonstrable impact on their significance.

7.5 Highways & Parking Provision

- 7.5.1 The site contains an existing bed and breakfast and the application form states that there are a total of 13 car parking spaces for the use. However, no indication of the layout or location of the existing spaces has been provided and the area to the front of the hotel has limited parking and in some areas restricted access. Policy COM8 requires proposals to supply appropriate car parking. The policy states that in appropriate circumstances the parking standard may be relaxed, however the site is separate from the centre of the village with limited access to public transport facilities. Therefore the hotel and any potential functions would be heavily reliant on car use, in turn requiring a significant number of spaces.
- 7.5.2 It is considered that any function for a birthday party, wedding or reception would require greater parking provision than just 13 spaces. Additionally staff parking would have to be taken into account and again this would require a percentage of the existing 13 spaces on site. Whilst the application does not specify the average volume of people who are likely to attend for any function, the venue can cater for between 50 and 150 guests. The proposal would conflict with policy COM8 as an adequate volume of parking cannot be provided on the site for even 50 intended guests for the venue,

let alone 150 guests. Furthermore, neighbouring properties raised concerns over the parking provision for the number of guests which could attend an event.

- 7.5.3 The site does benefit from an existing access to the highway, however the internal road is not adopted. The Local Highway Authority have objected to the application on the grounds that the proposal does not incorporate adequate on site vehicular parking and manoeuvring facilities. There is insufficient off street vehicular parking provided as part of the application and the increase in on-street parking would be at the detriment of highway safety.
- 7.5.4 As there is a limited area to the front of the hotel for parking, it is considered that function guests would have to park along the highway, which could result in a safety issue. Policy COM7 requires proposals to provide a safe and convenient access to the highway. With a high number of guests attending a venue with limiting parking facilities and the potential for parking along the highway, this could result in an unsafe access to the highway for guests or surrounding residents. It is considered with the restricted information on the capacity of the function space, insufficient detail on the existing parking layout and minimal detail on the proposed parking or transport procedures; the application fails to meet policy. In particular the application would be contrary to policy COM8 and EMP2 as the proposal would have adverse impact in terms of the amount or nature of traffic generated, resulting in potential highway safety impacts.

7.6 Flood Risk

- 7.6.1 The site is located within Flood Zone 3, therefore the impact the proposal has on the flood risk must be taken into consideration. Additionally the site is situated within an area designated as flood storage and benefits from no flood defences. The agent has submitted some information surrounding the potential flood risk of the site, however it contains inaccuracies as it advises the site is not within Flood Zone 3. This has been checked against the Environment Agency's mapping, which confirms the site is situated within Flood Zone 3. The information submitted by the agent is not sufficient to appropriately assess the flood risk. The Environment Agency were consulted on the application and objected to the proposal on the basis that:
- 7.6.2 The Flood Risk Assessment (FRA) submitted does not comply with the requirements for the site specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks associated with the proposed development and fails:
- Include all the available information on the flood risk at the site.
 - Demonstrate that the residual risk of flooding on the event of a breach of the Hundred Foot Drain flood defences can be safely managed.
- 7.6.3 Furthermore it was considered by the Environment Agency that the FRA failed to consider the residual risk of flooding. It is considered that the application has failed to provide sufficient detail to consider the risks involved with the development or submit an appropriate flood risk assessment for the scale and nature of the development, contrary to policy ENV8.

7.7 Other Matters

7.7.1 Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and given the sites location within the SSSI and Ramsar site of the Ouse Washes, it has a high importance. Natural England have provided initial comments on the proposal advising that the main issue from the proposal is likely to be noise disturbance to qualifying breeding bird species of the Ouse Washes SSSI, SPA and Ramsar site, given the April – October operational period. However, Natural England considered the impacts of the proposal to be low risk given the distance between the development and main bird breeding habitat within the Washes, and the buffering effect of the Hundred Foot and other built infrastructure. It is considered due to the site having an existing use as a bed and breakfast/hotel with associated outdoor space, the proposal would not result in detrimental harm to the Ouse washes.

8.0 Planning Balance

8.1 The proposal results in significant harm to the residential amenity of surrounding occupiers occurs and is considered to have significant impact on highway safety due to the lack of parking facilities on site. Furthermore adverse impacts are considered to occur to the character and visual appearance of the area, as a result of the scale, materials and design of the proposal. The proposal is contrary to policies ENV1, ENV2, EMP2, COM7 and COM8 of the East Cambridgeshire Local Plan, as well as the NPPF. The harm caused by the proposal is considered to outweigh any benefits and therefore the application is recommended for refusal.

9.0 Costs

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

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

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

9.4 In this case Members' attention is particularly drawn to the following point:

The site is closely situated to a number of residential dwellings and is visually prominent.

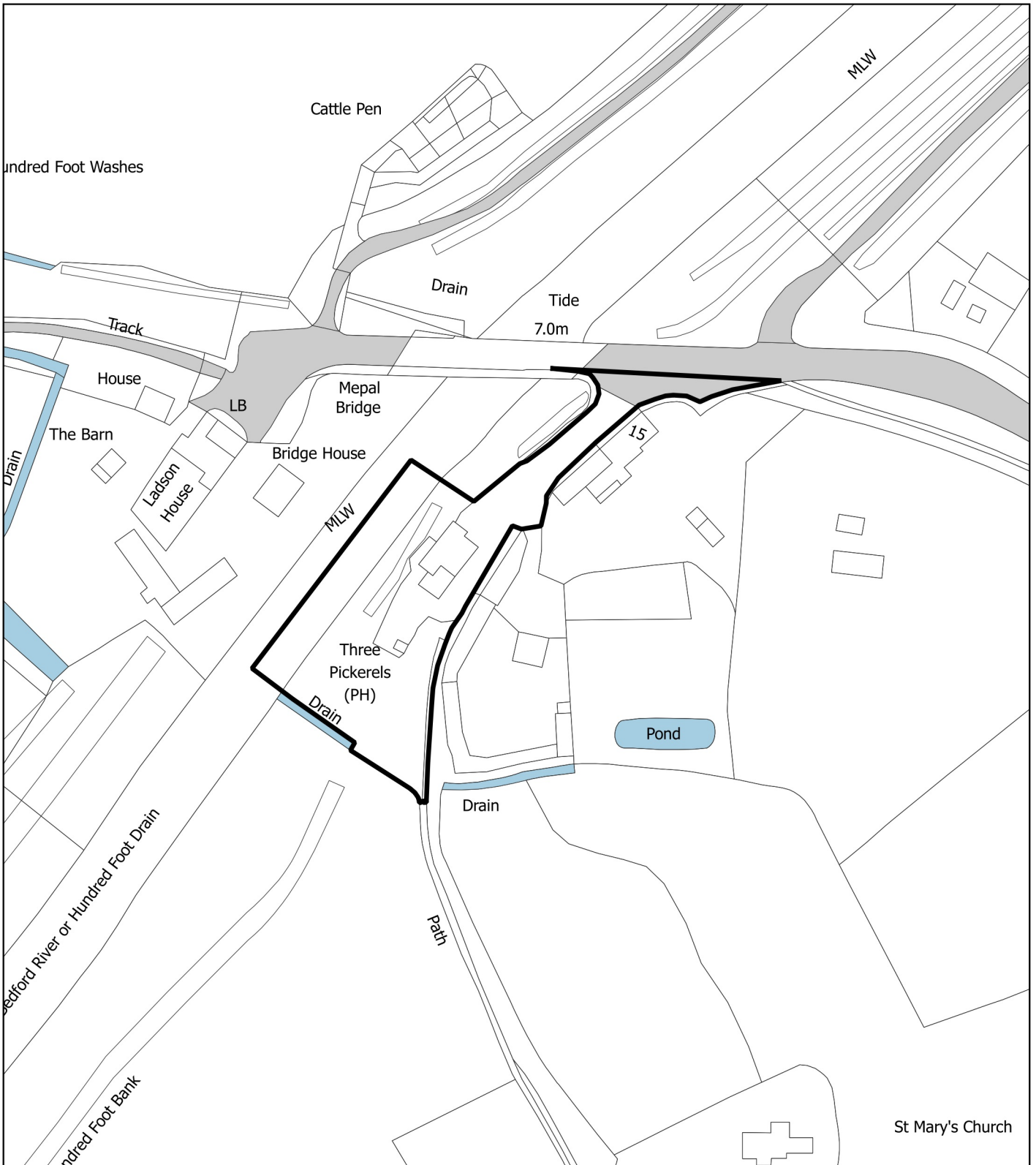
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00897/FUL	Molly Hood	Molly Hood
03/00388/FUL	Room No. 011	Planning Officer
17/00623/FUL	The Grange	01353 665555
17/01738/FUL	Ely	molly.hood@eastca
08/00329/FUL		mbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



19/00897/FUL

The Three Pickerels
 19 Bridge Road
 Mepal



East Cambridgeshire
 District Council

Date: 19/12/2019
 Scale: 1:1,500



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MAIN CASE

Reference No: 19/01373/FUL

Proposal: Change of use of land to a mix of Gypsy and Traveller residential and equestrian with the siting of up to six caravans of which no more than two can be mobile homes and the erection of an amenity building and stable block

Site Address: Land West Of Saunders Piece Ely Road Little Thetford
Cambridgeshire

Applicant: Mr Jimmy O'Brien

Case Officer: Richard Fitzjohn, Senior Planning Officer

Parish: Stretham

Ward: Stretham

Ward Councillor/s: Bill Hunt
Lisa Stubbs

Date Received: 25 September 2019 **Expiry Date:** 15th January 2020

[U149]

1.0 **RECOMMENDATION**

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

- 1.2
- 1 Approved Plans
 - 2 Time limit
 - 3 Number of plots
 - 4 Occupation restriction
 - 5 Soft landscaping scheme
 - 6 External lights restriction
 - 7 Tree and shrub clearance
 - 8 Foul and surface water
 - 9 Highway drainage
 - 10 Boundary treatments
 - 11 Access gates
 - 12 Access details
 - 13 Paddock restriction
 - 14 Solar panel details
 - 15 Biodiversity improvements

1.3 The recommended conditions can be read in full on the attached Appendix 1.

2.0 SUMMARY OF APPLICATION

2.1 The proposal is for the change of use of land to a mix of Gypsy and Traveller residential and equestrian, with the siting of a single pitch to provide six caravans of which no more than two can be mobile homes, and the erection of an amenity building and stable block. The proposal includes a new access, located off a lay-by on the A10.

2.2 The application has been called-in to Planning Committee by Councillor Lisa Stubbs as she believes the application would benefit from a wider debate and discussion at the Planning Committee.

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

3.0 PLANNING HISTORY

3.1 No relevant planning history.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises a field of scrub land, accessed off a lay-by on the A10 between Stretham and Little Thetford. The ground level of the site drops significantly from the level of the adjacent highway and lay-by and is bounded along the boundary of the lay-by by a fence and gate. There are number of insignificant trees on, and adjacent to, the site. There is currently a derelict caravan situated on the site. The site is located within Flood Zone 1. Saunders Piece Camping and Touring Caravan site is located adjacent to the east of the application site, which is also accessed off the same lay-by on the A10.

5.0 RESPONSES FROM CONSULTEES

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

5.2 **Little Thetford Parish Council** - 25 November 2019

Recommends refusal of the application due to concerns over traffic safety.

- Traffic will have to cross oncoming traffic if they are turning right when travelling north.
- It is located on a dangerous part of the A10 where the layby is used by lots of lorries and is on a bend.
- Concerns raised about the bad lighting in the area which would compound the issue with the highway safety.
- The development is not sustainable - there is no suitable bus stop in the vicinity as it is too dangerous, no public footpath from the site and Councillors believe it would be too difficult to carry out household waste collections.

5.3 **Stretham Parish Council**

No comments received.

5.4 **Ward Councillor Lisa Stubbs**

As one of the local members for the Stretham Ward, would like to call-in the application to the Planning Committee. Believes the application would benefit from a wider debate and discussion at the Planning Committee.

5.5 **Local Highways Authority - 9 December 2019**

After a review of the detailed access arrangement on the amended drawings, no objection subject to conditions ensuring access and gates are located as per the submitted plans.

5.6 **Local Highways Authority - 24 October 2019**

No objection to the principle of the development. However, unable to determine from the original drawings if the access is laid out to a suitable standard for this type of use. Requested drawings that show the dimensions of the proposed access.

Additional Comments

This site can only be access by motorised vehicles. There is no footways, cycleways, accessible bus routes / stops and is off a 60mph un-illuminated road.

5.7 **The Ely Group Of Internal Drainage Board - 11 October 2019**

Surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, no objection. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District.

No works can take place, structures erected, or planting undertaken within nine metres of the Board's Wilburton Catchwater Drain without the prior consent of the Board. No surface or foul water discharge can be introduced into the District without the prior consent of the Board.

5.8 **Cambridgeshire Fire And Rescue Service - 17 October 2019**

Request adequate provision be made for fire hydrants, secured by a Section 106 agreement or planning condition.

5.9 **ECDC Trees Team - 5 December 2019**

The site is not situated within a Conservation Area or subject to a Tree Preservation Order. Therefore, the trees on site are not afforded statutory protection.

The site is only viewed from Broad Baulk road some 200m to the west and a RoW running along the northern boundary otherwise the site is only glimpsed from the A10 or from traffic using the layby from where access to the site is to be gained.

It would appear that the site has been left 'void' or only rough grazed which has resulted in a 'scrub' landscape developing, the most important feature on the site is the boundary vegetation of what appear to be established hedges; while not in control of the applicant the site is also screened by the mature trees along the front of the layby.

No trees of significance, no objections.

5.10 Environmental Health - 10 October 2019

Recommend that standard contaminated land conditions are attached to any approval for change of use due to the proposed sensitive end use (residential).

5.11 Environmental Health - 2 October 2019

Advise construction times and deliveries during the construction phase are restricted to the following:

- 07:30 - 18:00 each day Monday - Friday
- 07:30 - 13:00 on Saturdays and
- None on Sundays or Bank Holidays

Advise that stable waste should not be burnt on site and either removed for disposal or a muck pile used - location to be agreed (i.e. sufficient distances from neighbouring properties) and food stuff to be kept in pest proof containers. Also advisable to ensure that regular pest control takes place.

No other points to raise at this time requests environmental notes are sent to applicant [regarding Statutory Nuisances].

5.12 Waste Strategy (ECDC) - 21 October 2019

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

5.13 Traveller Liaison Officer – 20 December 2019

- There is a need for the Traveller community to have their own land and homes.
- The application site is a fair distance away from the English and Showmen Travellers sites.
- There can often be tension between English Travellers and Irish Travellers.
- Irish Travellers have been known to bring extended family.
- As a local authority, East Cambridgeshire District Council does not have an extensive waiting list for Council Traveller sites. East Cambridgeshire District Council has a couple of applications for plots [pitches].

- Any private Traveller sites will add to the provision of Gypsy and Traveller sites in East Cambridgeshire.

5.14 **Site notice and public consultation**

- 5.14.1 1 neighbouring property/business (Saunders Piece Caravan and Camping) was notified.
- 5.14.2 2 responses were received from the occupiers of 14 Cockburn Street, Cambridge and 7 Kingfisher Way, Cottenham.
- 5.14.3 These responses are summarised below. A full copy of the responses are available on the Council's website.

5.15 14 Cockburn Street, Cambridge

- 5.15.1 Supports the application.
- 5.15.2 States that recent research has shown a need for a total of 1745 additional pitches for Travellers in the South East of England in the near future. States that the Council currently provides 21 pitches for Travellers. These are not owned by the Travellers themselves but rented. Earith Bridge (13 pitches) and Wentworth (8 pitches).
- 5.15.3 States that planning applications by this ethnic minority to put caravans onto their own land are almost always refused, in sharp contrast to applications by the settled community for buildings and other structures.
- 5.15.4 States that the applicants' own a piece of land that is next to a site where Travellers currently stay, it is secluded and suitable for the purpose of providing a home for their immediate family. There is no application for brick houses or structures that are not in keeping with the landscape. They have had the land for some time and planted trees there. They wish to keep the site in a tidy way with good landscaping and native trees/hedging. Security for two sons and a daughter is very important.
- 5.15.5 The applicants are not allowed to 'roam' under current legislation and a base to access education, work and services is crucial in the current situation.
- 5.15.6 Has known the family for a number of years. They have struggled to remain in one place in order to provide their children with an education. They are people of good character. Would like to see them have this opportunity for security for the next generation and urge the Local Planning Authority to approve this application.

5.16 7 Kingfisher Way, Cottenham

- 5.16.1 Supports the application.
- 5.16.2 Appreciates that the proposal requires a change of use but believes that the application site is appropriate for the proposed scheme.

5.16.3 States that the applicants are known to them as previous residents at Smithy Fen, Cottenham. The applicants have sought to establish a permanent home in the local area for themselves and their family for many years, something that for a variety of reasons could not be achieved at the Cottenham site.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 6	Renewable energy development
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
EMP 5	Equine development

6.2 Supplementary Planning Documents

Design Guide

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

Flood and Water

6.3 National Planning Policy Framework 2019

Planning policy for traveller sites, August 2015

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

7.0 PLANNING COMMENTS

7.1 **Principle of Development**

7.1.1 The Central Government Planning policy for traveller sites (August 2015) requires Local Planning Authorities to provide sites that are both sustainable and facilitate the traditional and nomadic life of travellers, while respecting the interests of the

nearest settled community. This policy also defines gypsies and travellers as those people of a nomadic life but does include those that by virtue of education or health needs or old age have ceased to travel temporarily.

7.1.2 Government guidance Planning policy for traveller sites states:

7.1.3 “When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community...Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”

7.1.4 It goes on to state that:

7.1.5 “Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
- e) That they should determine applications for sites from any travellers and not just those with local connections”

7.1.6 It states the definition of gypsies and travellers is:

7.1.7 “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”.

7.1.8 The outside of the village framework location of the site is not considered to have any significant weight in the determination of this application, as being the countryside does not mean the application for traveller sites should be refused in principle.

7.1.9 Policy HOU 9 of the East Cambridgeshire Local Plan 2015 states that the Council will make provision for Gypsy, Traveller and Travelling Showpeople sites to meet identified needs. East Cambridgeshire’s need for Gypsy, Traveller and Travelling Showpeople accommodation is informed by The Gypsy and Traveller Accommodation Assessment (October 2016). This assessment states:

7.1.10 “There were no Gypsy or Traveller households identified in East Cambridgeshire that meet the new definition, 114 ‘unknown’ households that may meet the new definition and 29 households that do not meet the new definition.

7.1.11 Need of up to 40 additional pitches for ‘unknown’ households is made up of new household formation from a maximum of 114 households. If the national average of 10% were applied this could result in a need for 4 additional pitches.”

- 7.1.12 The 10% reference is in relation to an estimate of the 'unknown' households that are likely to meet the national definition.
- 7.1.13 The assessment goes on to state:
- 7.1.14 "In summary there is no need for any additional pitches in East Cambridgeshire for Gypsy and Traveller households that meet the new definition; a need for up to 40 additional pitches for Gypsy and Traveller households that may meet the new definition – although if the national average of 10% were to be applied this could be as few as 4 additional pitches; and a need for 10 additional pitches for Gypsy and Traveller households who do not meet the new definition."
- 7.1.15 "additional need could increase by up to a further 40 pitches, plus any concealed adult households or 5 year need arising from older teenagers living in these households (if all 114 'unknown' pitches are deemed to meet the new definition). However, as an illustration, if the national average of 10% were to be applied this could be as few as 4 additional pitches."
- 7.1.16 There are two allocation sites in the East Cambridgeshire Local Plan 2015 to accommodate four pitches and any unknown need is to be met via the criteria based policy.
- 7.1.17 The very low known need of additional traveller pitches means that 'need' is granted very little weight in the determination of this application. However, it can be assumed there is likely to be 'unknown need' for Gypsy and Traveller pitches and this should be afforded weight in the determination of this application, especially in the context of the very limited number of allocated sites. The application for 1 pitch with an interested party adds weight to the 'unknown need'.
- 7.1.18 The Council should not reject this proposal on the basis that there is no need, as this cannot be demonstrated. There is probably some limited need and evidence provided by the applicant helps to illustrate this point. This is backed up by the Council's Gypsy Traveller Liaison's comments that there is a need for the Traveller community to have their own land and homes and that, although East Cambridgeshire District Council does not have an extensive waiting list for Council Traveller sites, it does have a couple of applications for pitches. It is considered therefore that there is likely to be a need for additional traveller pitches.

7.2 Traveller status

- 7.2.1 The proposal would provide a home for the applicant, his wife and their daughters. In addition, it would provide a home base from which their adult sons will travel for work. The proposed occupiers are Irish Travellers who have all been acknowledged as having traveller status in previous planning appeals outside of the East Cambridgeshire district. It is accepted from this and from the information submitted with the application that all of adult travellers in this application conform to a nomadic lifestyle and satisfy the planning definition of a traveller in the Government guidance 'Planning Policy for Traveller Sites' (PPTS). Furthermore, from the information provided in the application submission, there is no reason to expect that those interested in the site do not meet the gypsy traveller definition. It is also

agreed that many of those interested for personal reasons (either through health or children or desire to be near family).

7.3 Policy HOU9 of the East Cambridgeshire Local Plan 2015

7.3.1 Policy HOU9 states that proposals for Gypsy, Traveller and Travelling Showpeople accommodation should meet the following criteria:

- Adequate schools, shops and other community facilities are within reasonable travelling distance.
- There is no significant adverse impact on the character and appearance of the countryside and the setting of settlements.
- The site would not lead to the loss or adverse impact on historic and natural environment assets as defined in Policies ENV7 and ENV11-15.
- There is no significant risk of land contamination.
- There is no unacceptable risk of flooding.
- The scale of the proposal is not disproportionate to the size of the nearest settlement and the availability of community facilities and infrastructure.
- The site provides a suitable level of residential amenity for the proposed residents and there is no significant adverse impact on the amenity of nearby residents.
- Safe and convenient vehicular access to the local highway network can be provided together with adequate space to allow for the movement and parking of vehicles.
- Essential services (water, electricity and foul drainage) are available on site or can be made available.

7.3.2 All of these criteria would need to be met in order for a proposal to be supported. Assessment of the application against the criteria of this policy are covered later in this report.

7.4.1 **Access to facilities/services and balance with the settled community**

7.4.2 The site would be accessed via a lay-by located off the A10 between Stretham and Little Thetford. While the site is within the parish of Stretham, the services/facilities to easily access are likely to be those within larger settlements such as Ely or Witchford. However, due to the location of the application site these are likely to be accessed by vehicle travel only.

7.4.3 The Local Highway Authority has commented that the application site can only be accessed by motorised vehicles, there is no footways, cycleways, accessible bus routes / stops and it is located off a 60mph un-illuminated road.

- 7.4.4 The lack of a public footpath along the road creates a situation where, if approved, the residents would very likely be reliant on private motorised transport. There is concern that occupiers will be unable to access local services and facilities in a sustainable easy manner and it is considered that there would be some harm to sustainability if the application is to be approved. However, in relation to the location of Gypsy, Traveller and Travelling Showpeople accommodation, policy HOU9 of the Local Plan requires that adequate schools, shops and other community facilities are within reasonable travelling distance. The proposal by virtue of the distance (Stretham approximately 1km away, Little Thetford 1.2km, Wilburton 2.5km and Ely 4km away) to the local services and facilities is considered to be within reasonable travelling distance and similar to that of many other Gypsy, Traveller and Travelling Showpeople accommodation within the district.
- 7.4.5 It is unlikely that the provision of 1 pitch comprising up to 6 caravans would unbalance the settled community within the local area. Furthermore, the site is considered to be too far from the nearby settled communities to change the balance of settled and travelling communities.
- 7.5 Highway safety
- 7.5.1 The Local Highway Authority has no objection to the proposal, subject to conditions ensuring access and gates are located as per the submitted plans. In the absence of an objection from the Local Highway Authority, the highway safety impacts of the proposal are considered acceptable, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015.
- 7.5.2 The application site also provides sufficient space for parking, in accordance with Policy COM8 of the East Cambridgeshire Local Plan 2015.
- 7.6 **Impact on the character and appearance of the countryside, the setting of settlements, and the historic and natural environment**
- 7.6.1 Character and appearance of the countryside
- 7.6.2 The site is visible from Broad Baulk, approximately 270m to the west, and Public Right of Ways a similar distance from the site. The site is also visible from the A10 and the adjacent lay-by.
- 7.6.3 The application site is currently well screened from the A10 by existing trees, a fence along the frontage of the site and also due to a drop in land levels between the public highway and application site which further limits the prominence of any structures on the site. There is currently an unauthorised derelict caravan located on the site, though its visual prominence is limited for the above reasons.
- 7.6.4 The usual caravans/mobile homes are often of little architectural merit, so will unlikely provide any positive visual interest to the area.
- 7.6.5 The proposed traveller pitch and associated buildings would be located adjacent to the existing Saunders Piece Camping and Touring Caravan site. Therefore, the presence of caravans in this area of the countryside is already an established

feature. Due to the land level of the adjacent Saunders Piece Camping and Touring Caravan site being at a lower level than the highway, and due to the presence of fencing and trees, the visual prominence of this site is low. The land level, fencing and trees of the application site are comparable to the adjacent site and therefore the visual prominence of the proposal is likely to be low.

7.6.6 As the proposed area for siting the caravans is located towards the southern section of the site, similar to the siting of the caravans and associated buildings on the adjacent site and not extending the siting of the caravans and associated buildings northwards into the countryside, the siting of the traveller pitch is considered to be in keeping with the character and appearance of this part of the countryside. As such, the proposal would not have a detrimental impact on the current landscape character of the countryside.

7.6.7 A planning condition could be appended to the planning permission requiring details of any external lighting, in order to prevent light pollution in this rural location.

7.6.8 Setting of settlements

7.6.9 The application site is significantly distanced from its nearest settlements in terms of impacting their setting. The proposal would not cause harm to the setting of nearby settlements by virtue of its significant separation distance.

7.6.10 Historic environment

7.6.11 The application site is significantly distanced from any heritage assets and the proposal would not cause harm to the historic environment by virtue of this significant separation distance.

7.6.12 Natural environment

7.6.13 By virtue of the nature of the proposal and the characteristics of the site, the proposal is unlikely to create a significant adverse impact on biodiversity. However, it is considered reasonable to control external lighting to protect night time animals moving across the site and also to provide biodiversity improvements, both of which could be secured by planning conditions. It is therefore considered that the proposal accords with policy ENV7 of the East Cambridgeshire Local Plan 2015.

7.6.14 The Council's Trees Officer has no objections to the proposal as no significant trees would be lost, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. A soft landscaping scheme could be secured by planning condition to provide replacement planting and assimilate the proposal into the countryside.

7.8 Flood risk and drainage

7.8.1 The site is located in Flood Zone 1, where the principle of development is acceptable in flood risk terms. Surface and foul water drainage can be acceptably dealt with by condition. The proposal therefore accords with Policy ENV8 of the East Cambridgeshire Local Plan 2015.

7.9 Contaminated Land

7.9.1 In accordance with the Environmental Health Scientific Officers' consultation comments, it is considered that contamination investigation could be secured by a planning condition, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

7.10 Residential Amenity

7.10.1 The application site is located adjacent to Saunders Piece Caravan and Camping and over 0.3km in distance from any other residential properties. The Council's Traveller Liaison Officer has stated that there can often be tension between English Travellers and Irish Travellers, but has also highlighted that the application site is a fair distance away from the English and Showmen Travellers sites. Furthermore, it is the case officers' view that the proposal would be of a relatively modest scale which would reduce its likelihood of exacerbating community tensions with English and Showmen Travellers or the settled community residing in the district. It is therefore considered that the proposal would provide a suitable level of amenity to the proposed residents and would not cause significant harm to residential amenity of neighbouring occupiers and there would not significantly exacerbate tensions in the community. It should also be noted that fear of crime is not a material planning consideration. It is considered that the proposal accords with Policy ENV2 in respect of residential amenity.

7.11 Other matters

7.11.1 The change of use of the northern section of the site to paddock and the provision of stables is considered to be an acceptable countryside use which would not cause any significant visual harm to the character and appearance of this area of the countryside. In the interests of protecting the character and appearance of the countryside, a condition could be appended to prevent any touring caravans, mobile homes or associated amenity buildings being sited or erected within the area of paddock land specified within the application.

7.11.2 The proposal includes a small area of land within the site which would accommodate solar panels. Policy ENV6 states that proposals for renewable energy and associated infrastructure will be supported, unless their wider environmental, social and economic benefits would be outweighed by significant adverse effects that cannot be remediated and made acceptable. The solar panels would likely be small-scale due to the limited area of land accommodating them and therefore would result in limited harm. Details of the solar panels could be secured by a planning condition. As the solar panels are not required to make the application policy compliant, it would not be reasonable to append a condition requiring them to be installed and this would be at the discretion of the applicant to do so.

7.11.3 Although the application site is located adjacent to Saunders Piece Caravan and Camping, it should be noted that there are no foreseeable planning reasons why the proposal would result in a loss of business to the adjacent caravan and camping site.

8.0 Planning balance

8.1 The only identified harm that could not be mitigated against is the site's remote location. However, given the locations of planning permissions of other sites in the locality and existing sites, the application site would be a comparable distance to local services/facilities. The location needs to be weighed up against the need for gypsy/traveller plots and the lack of any other identified significant harm.

8.2 Conclusion

It is accepted that there is probably a limited need for further gypsy and traveller pitches within the district. It is considered that the benefit of 1 pitch providing up to 6 caravans is not outweighed by the modest level of harm caused by the proposal. The application is therefore recommended for approval.

9 APPENDICES

9.1 Appendix 1 – Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01373/FUL	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Senior Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 19/01373/FUL Conditions

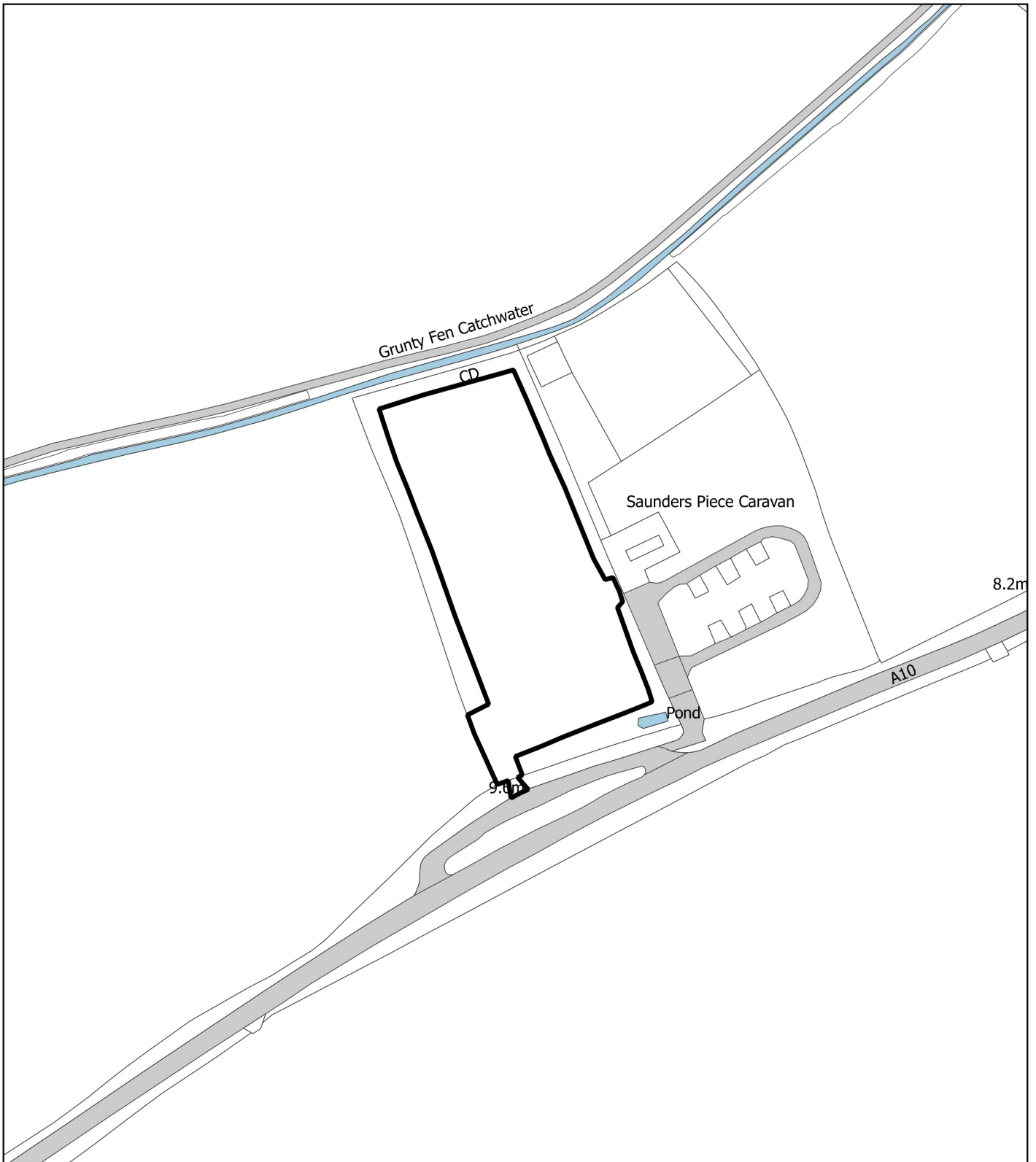
- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
JO'B 06		20th November 2019
JO'B 01		25th September 2019
JO'B 02		25th September 2019
JO'B 03		25th September 2019
JO'B 04		25th September 2019
JO'B 05		25th September 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The development shall not exceed 1 pitch, comprising 2 mobile homes, 4 touring caravans and 1 day room.
- 3 Reason: This is the amount the application has been assessed and determined on, in accordance with HOU9 of the East Cambridgeshire Local Plan 2015.
- 4 The site shall only be used by persons of nomadic habitat of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4 Reason: To meet with Central Governments definition of gypsies and travellers (defined within Planning policy for traveller sites August 2015).
- 5 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 6 No external lights shall be erected within the site (either freestanding or building-mounted).
- 6 Reason: To safeguard the character and appearance of the area and to protect biodiversity, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 7 Any tree or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation.
- 7 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 8 No development shall take place until a scheme detailing how foul and surface water will be drained within the site; has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 8 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV7 and ENV8 of the adopted Local Plan. This is prior to commencement as these details are needed before construction work begins.
- 9 The access shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.
- 9 Reason: In the interests of highway safety in accordance with policy COM7 of the East Cambridgeshire Local Plan Adopted April 2015.
- 10 No above ground construction shall commence until details of the boundary treatments, including entrance gates, have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the hereby approved development.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 The entrance gates to the vehicular access shall be located in the position shown on drawing no. JO'B 06 and shall be hung to open inwards. This style of access gate or gates shall be used at all times/thereafter be retained in perpetuity.
- 11 Reason: In the interests of highway safety in accordance with policy COM7 of the East Cambridgeshire Local Plan Adopted April 2015.
- 12 Prior to first occupation of the hereby approved development, the vehicular access shall be laid out and constructed in accordance with drawing no. JO'B 06. The vehicular access shall be thereafter retained in accordance with these details in perpetuity.

- 12 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 13 No touring caravans, mobile homes or associated amenity buildings shall be sited or erected within the area of paddock land specified on drawing no. JO'B 02.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No solar panels shall be situated within the application site until details of the size, type and locations of the solar panels are submitted to, and approved in writing by, the Local Planning Authority.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 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.
- 15 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.



19/01373/FUL

Land West of
Saunders Piece
Ely Road
Little Thetford



East Cambridgeshire
District Council

Date: 19/12/2019
Scale: 1:2,250



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MAIN CASE

Reference No: 19/01421/OUT

Proposal: Proposed one and half storey dwelling, garaging, access & associated site work

Site Address: Mobile Home At 1A Chapel Lane Soham Cambridgeshire

Applicant: Mr & Mrs Burbridge

Case Officer: Dan Smith, Planning Consultant

Parish: Soham

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

Date Received: 17 October 2019 **Expiry Date:** 13 January 2020
[U150]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to refuse the application for the following reasons:
1. The proposed dwelling, which is classified as a 'more vulnerable' development in Table 2 of the NPPF Planning Practice Guidance, would be sited within Flood Zone 3 as identified by the Environment Agency flood zone maps, where the Sequential Test must be passed for the development to be approved. The application fails to pass the Sequential Test as there are reasonably available sites elsewhere within the Parish of Soham with a lower probability of flooding and is therefore contrary to Policy ENV 8 of the East Cambridgeshire Local Plan, the Cambridgeshire Flood and Water SPD, the provisions of the PPG on Flooding and Coastal Change and paragraphs 155 and 158 of the National Planning Policy Framework 2019.
 2. The proposed dwelling would be located within the countryside and, by virtue of its distance from the main settlements of Soham and Prickwillow and other local services and facilities; the lack of any public transport serving the site; and the lack of footpath or cycleway links, is situated in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of the dwelling would be heavily reliant on private motor vehicles in order to access any local services or facilities. The proposed development would therefore cause harm in terms of the social and environmental elements of sustainable development. This identified harm would significantly and demonstrably outweigh the benefits derived from the provision of a single dwelling, contrary to Policies ENV 2 and GROWTH 2

of the East Cambridgeshire Local Plan 2015 and paragraph 11 of the National Planning Policy Framework 2019.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for the erection of a chalet bungalow, garaging access and associated works. Approval is also sought for the detailed matters of access and scale, with other detailed matters of appearance, layout and landscaping reserved for future consideration.
- 2.2 The current application is for the same development as was recently refused by the Local Planning Authority under reference 19/00404/OUT on the grounds that the site is within Flood Zone 3 and is unsustainably located.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1
- | | | | |
|--------------|---|----------|------------|
| 19/00404/OUT | Proposed chalet bungalow, garaging, access and associated works | Refused | 08.05.2019 |
| 13/01013/FUL | Change of use of land for the temporary siting of a mobile home | Approved | 09.01.2014 |

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located at the corner of Chapel Lane and Great Fen Road. The land forms part of the wider site at 1A Chapel Lane and is enclosed by mature boundary hedging. The site is currently mostly laid to lawn and there is a mobile home stationed on it. The mobile home was granted a personal planning permission in 2013. There are a cluster of buildings in the immediate area on Great Fen Road and Chapel Lane, including a chapel building on the opposite corner of Chapel Lane.
- 4.2 The site is located within Flood Zone 3 meaning it is considered to be at a high risk of flooding. It is located in the countryside over 2.5 miles outside of the nearest development envelopes of Soham and Prickwillow.

5.0 RESPONSES FROM CONSULTEES

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

Local Highways Authority - 25 October 2019

States it does not object to the proposed development, subject to conditions relating to the provision of parking and turning facilities and the restrictions on the gating of the access.

CCC Growth & Development

No Comments Received

ECDC Trees Team

No Comments Received

Environmental Health - 29 October 2019

States it does not wish to comment on the proposed development.

Scientific Officer – 29 November 2019

States the findings of the submitted Envirosearch report in respect of ground contamination are accepted and that intrusive site investigation is not required, Recommends a condition relating to unanticipated contamination is applied.

Waste Strategy (ECDC) - 8 November 2019

States it will not enter private property to collect waste receptacles and notes recommended maximum bin drag distances and its prerogative to charge for the provision of waste receptacles.

Consultee for Other Wards in Parish

No Comments Received

Environment Agency - 6 November 2019

Does not object to the development, however it notes that In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework. If the site is deemed to have passed that test, it recommends that the mitigation measures proposed in the submitted Flood Risk Assessment be adhered to.

Parish - 4 November 2019

Recommends refusal on the grounds that the site is outside the development envelope, is not sustainable and is not in the Local Plan 2015.

Ward Councillors – 28 October 2019

District Councillor Charlesworth called the application in to Committee on the grounds that “there have been a number of applications in this area that were recommended for refusal by officers, and then approved by Committee having been

called in. Susan [the applicant] was promised a call in by a previous Councillor, and considering the other applications that have been approved in this manner, I think it only fair that she been given the same opportunity.”

Public Consultation

- 5.2 A site notice was displayed near the site on 23 October 2019 and a press advertisement was published on 31 October 2019. In addition, three neighbouring properties have been directly notified by letter. No responses have been received to that consultation.

6.0 THE PLANNING POLICY CONTEXT

6.1 *East Cambridgeshire Local Plan 2015*

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

- 6.2 Supplementary Planning Documents
Design Guide – Adopted March 2012
Flood and Water – Adopted November 2016
Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010
Developer Contributions and Planning Obligations – Adopted May 2013

6.3 *National Planning Policy Framework 2019*

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

6.4 *Planning Practice Guidance*

7.0 PLANNING COMMENTS

- 7.1 The main planning considerations are the principle of development; flood risk and drainage; the impact on visual amenity; residential amenity; highway safety and parking provision; biodiversity and the sustainability of the site.

7.2 Principle of Development

- 7.2.1 The development would not normally be considered acceptable in principle in this location as the application site lies outside the defined development envelope of Soham in the countryside. Development envelopes define where policies for the built up areas of settlements give way to policies for the countryside. Policy GROWTH 2 of the Local Plan states that outside of defined development envelopes the only housing development which will be permitted is affordable housing exception schemes where those schemes have no significant adverse impact on the character of the countryside or other Local Plan policies. The current scheme does not meet that definition.
- 7.2.2 Policy HOU 8 of the Local Plan provides support for replacement dwellings subject to several conditions being met. However, while there is a mobile home on site at present, the permission for that mobile home was restricted by condition to be personal to the then proposed occupants and linked to the occupation of the adjacent dwelling by their daughter. Conditions required that the mobile home be removed either when it was no longer occupied by the proposed occupants or where the adjacent dwelling was no longer occupied by their daughter. The mobile home does not, therefore, have a permanent permission and it is not appropriate to apply policy HOU8 in this case.
- 7.2.3 The proposed development would not comply with policy GROWTH 2 which seeks to direct new dwellings to the most sustainable locations within the district.
- 7.2.4 Furthermore, as detailed within the Flooding section below, the proposed development, by virtue of its location within Flood Zone 3, would be contrary to policy ENV 8 and the Planning and Flood Risk section of the NPPF. This makes the proposed development unacceptable in principle.

7.3 Flood Risk and drainage

- 7.3.1 The application site is located within Flood Zone 3 meaning it is at a high probability of surface water flooding. Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 7.3.2 Paragraph 158 of the NPPF states that development should not be permitted if there are other reasonably available sites appropriate for the proposed development, located in areas with a lower probability of flooding and requires that a sequential approach is taken to the location of development based on flood risk, meaning development should as far as possible be directed towards areas with the lowest probability of flooding. The NPPF requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a Flood Risk Sequential Test. The Local Planning Authority must determine whether the application site passes the NPPF Sequential Test.
- 7.3.3 Policy ENV8 of the East Cambridgeshire Local Plan 2015 states that the Sequential Test and Exception Test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1. In respect of this

application, the Sequential Test would need to demonstrate that there are no other reasonably available sites at lower risk of flooding in order for the sequential test to be passed.

- 7.3.4 The applicant has included an FRA relating to the proposed dwellings. The FRA states that the Sequential Test should be applied by the Local Planning Authority, however the Cambridgeshire Flood and Water SPD states this should be completed by the applicant. As a sequential test has not been provided, the case officer has considered the requirements of the Sequential Test. There are a number of allocated sites for housing within the Soham area, as specified within the East Cambridgeshire Local Plan 2015. In addition, a number of planning permissions for new dwellings have recently been approved in more sustainable locations within Soham which are within Flood Zone 1. It is therefore considered that there are a number of other reasonably available sites for housing development within the locality which are at a lower probability of flooding. Therefore, the application has failed to demonstrate that the proposed additional dwellings are necessary in this location and the application fails the Sequential Test for this reason.
- 7.3.5 In dismissing an appeal in respect of an application for new dwellings elsewhere in Flood Zone 3 within the district, a Planning Inspector recently supported the Council's case that the Sequential Test had not been passed as other sites that could accommodate the dwellings and were at a lower risk of flooding were available in the parish. That appeal decision is appended to this report (Appendix 1).
- 7.3.6 Had the Sequential Test been passed, then the Exception Test should then be applied, guided by the submitted Flood Risk Assessment. The Exception Test requires the development to demonstrate that it provides wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce overall food risk. Both elements need to be passed for development to be allocated or permitted under paragraph 161 of the NPPF.
- 7.3.7 The application does not present any arguments as to the wider community sustainability benefits and it is not considered that any substantive benefits to sustainability would result from the development. The development is therefore considered to fail part one of the exception test.
- 7.3.8 As the proposal fails to pass the Sequential Test it is considered to unnecessarily place a permanent dwelling in an area at significant risk of flooding, contrary to Policy ENV8 of the East Cambridgeshire Local Plan 2015, the provisions of the PPG on Flooding and Coastal Change, the Cambridgeshire Flood and Water SPD, and paragraphs 155 and 158 of the National Planning Policy Framework 2019.

7.4 Visual amenity

- 7.4.1 The site is currently bounded by a mature hedge but appears relatively undeveloped in views from the public domain. At present a mobile home is located on the site. The proposed development of the site would introduce built development onto this currently undeveloped corner plot. In the immediate vicinity

of the site there is a large chapel on the opposite corner plot on the other side of Chapel Lane, a small two storey dwelling to the North, a bungalow to the rear and further bungalows to the South. The bungalows have similar proportions to the proposed scale of the new dwelling. While the indicative design of the new dwelling includes elements which are not in keeping with the prevailing character of dwellings in the area, the appearance of the dwelling is a reserved matter and therefore the impact of the scale of the dwelling on visual amenity is the only consideration in this case. It is considered that the development of the plot for a single residential dwelling of a modest scale would not be out of keeping with the character of the immediate area and could be laid out and designed such that it would not cause any significant harm to the visual amenity of the area.

7.4.2 It is therefore considered that the proposed development would comply with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 in respect of its impact on visual amenity.

7.5 Residential Amenity

7.5.1 The indicative layout plan demonstrates that it would be possible to locate the dwelling such that it would not cause any significant loss of light, visual intrusion or overshadowing of neighbouring dwellings. Were outline permission being granted, the layout of the site and the position of any first floor windows would be considered at reserved matters stage in terms of their potential to overlook the neighbouring dwellings, however it is considered that the indicative scheme demonstrates that an acceptable impact on neighbouring privacy could be achieved.

7.5.2 It is therefore considered that the proposal complies with policy ENV2 of the East Cambridgeshire Local Plan 2015 in respect of residential amenity.

7.6 Highway safety and parking provision

7.6.1 The proposed access is via directly onto Great Fen Road. Visibility in both directions is good and there is a wide highway verge. Turning for domestic vehicles could be provided on site and it is therefore considered that the proposed development is acceptable in terms of its impact on highway safety.

7.6.2 While the layout of the development is reserved for future consideration, the indicative layout demonstrates that adequate parking provision for the dwelling could be made on site.

7.6.3 It is therefore considered that the proposal complies with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan in respect of highway safety and parking.

7.7 Biodiversity

7.7.1 The site is largely laid to lawn with boundary hedging. The site is not considered to provide significant biodiversity benefit and it is therefore not considered that the proposed redevelopment would harm ecological interests on the site or in the wider area. The NPPF and East Cambridgeshire Local Plan 2015 policy ENV 7 require that development enhance biodiversity and it is considered that the proposed

development could achieve this through measures, including for example, bird and bat boxes which could be incorporated into the final design.

7.7.2 It is therefore considered that the proposal complies with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 in respect of the protection and enhancement of biodiversity.

7.8 Planning Balance

7.8.1 As detailed in the Principle of Development section above the development is contrary to the adopted policy of restraint in respect of market housing in the countryside set out in policy GROWTH 2 of the East Cambridgeshire Local Plan 2015.

7.8.2 Furthermore, the location of the new residential development within Flood Zone 3, which is at the highest risk of flooding, is contrary to the NPPF and Local Plan policy ENV 8 as there are other sites not located within Flood Zone 3 which are suitable for development.

7.8.3 The identified harm results in a lack of sustainability in respect of the social and environmental objectives of the NPPF.

7.8.4 The Council currently cannot demonstrate a 5 year housing land supply and therefore the housing policies within the Local Plan are considered to be out of date and paragraph 11 of the NPPF states that development should be considered in the context of the presumption in favour of sustainable development. The presumption in favour of sustainable development is the golden thread throughout the NPPF and is echoed in Policy GROWTH 5 of the Local Plan. The sustainability or otherwise of a particular development proposal is therefore a key material consideration in determining planning applications, particularly in those cases where relevant housing policies are considered out of date, due to the absence of a five year land supply.

7.8.5 Paragraph 8 of the NPPF defines sustainable development as having three dimensions: Social, Economic and Environmental. These give rise to three key roles of the planning system. In practice the presumption in favour of development means that development proposals should be approved 'unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance [including areas at risk of flooding or coastal change] provides a clear reason for refusing the development proposed; or,
- ii. any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.

7.8.6 Given the location of the site within Flood Zone 3 and the failure of the application to pass the sequential and exception tests, the appropriate application of policies within the NPPF which relate to flooding provide a clear reason for refusing the development as per clause i of paragraph 8 of the NPPF. In that instance, the application of the tilted balance (detailed within clause ii) is not engaged. It is therefore necessary to refuse the application on the basis of the harm to flood risk.

- 7.8.7 Notwithstanding that, in any event, the site is not considered to be sustainably located. It is located approximately 4 km from the nearest point of the Soham Development Envelope and over 5 km from its centre. It is not accessible by public transport nor public footpath or cycleway. Occupants of the dwelling would therefore be heavily reliant on the car to gain access to services and facilities. This would not accord with the requirements of the NPPF nor the environmental dimension of sustainable development and the location remote from such services and facilities would weigh against the social dimension of sustainable development.
- 7.8.8 Due to the lack of accessible services and facilities and public transport, the dwelling would also result in occupants relying almost exclusively on private motor vehicles for access to the services in the wider area and for access to jobs and social opportunities more widely. On that basis, the proposed development is considered to perform badly against the social element of sustainability, which focusses on the need for development to support strong, healthy communities by providing housing to meet the needs of current and future generations and by providing accessible services.
- 7.8.9 The scheme is also considered to perform badly against the environmental role of sustainability which focusses on the need to protect and enhance the environment through using natural resources prudently, minimising pollution, and mitigating and adapting to climate change. The over-reliance on private motor vehicles and the requirement to travel considerable distance to access even the most basic services and facilities would not be sustainable from an environmental point of view.
- 7.8.10 On that basis, the site is not considered to be sustainably located. Even if the site were not located within Flood Zone 3 and the 'tilted balance' in clause ii of the NPPF engaged, the harm to sustainability would be such that the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme, namely the provision of a single dwelling towards the district housing stock and the limited benefits that would result in respect of temporary employment from construction, additional viability of local services and facilities, increases to the local labour market and any limited ecological enhancement.
- 7.8.11 As a result, the consideration of the scheme on the tilted balance also indicates that the proposed development should be refused.

8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural, i.e. relating to the way a matter has been dealt with; or substantive, i.e. relating to the previous planning history of the site and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

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

9.0 APPENDICES

9.1 Appendix 1 – Appeal Decision APP/V0510/W/18/3218751

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01421/OUT	Dan Smith Room No. 011	Dan Smith Planning Consultant 01353 665555
19/00404/OUT	The Grange Ely	dan.smith@eastca mbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



Appeal Decision

Site visit made on 30 April 2019

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/V0510/W/18/3218751

Land north of 14 New River Bank, Littleport, CB7 4TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ray Miller against the decision of East Cambridgeshire District Council.
 - The application Ref 17/01857/FUL, dated 13 October 2017, was refused by notice dated 2 August 2018.
 - The development proposed is construction of new four bedroom house with garaging and associated site works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) whether the proposal would be acceptable having regard to its location and access to services and facilities, (b) the effect on the character and appearance of the area and (c) whether it has been demonstrated that the development is necessary in Flood Zone 3.

Reasons

3. The appeal site comprises an open pasture field located on the eastern side of New River Bank, a main road which runs along the River Great Ouse to the east of the market town of Littleport.
4. It lies to the north of a small number of dwellings that front New River Bank to the south. To the north of the site is Riverside Farm, set within farmland, and beyond that there is a further small group of properties.

Location and access to services / facilities

5. The site lies outside the defined development envelope of the town of Littleport where Policy GROWTH2 of the East Cambridgeshire Local Plan (2015) (LP) states that development will be strictly controlled having regard to the need to protect the countryside and the setting of towns and villages, subject to a number of listed exceptions providing there is no significant adverse effect on the character of the countryside and that other local plan policies are satisfied. The proposal does not fall within any of the exception categories.
6. LP Policy COM7 requires development to reduce the need to travel, particularly by car, and that it should promote sustainable forms of development appropriate to its particular location. The appellant contends that the site is within reasonable walking distance of both the station and the centre of the

town. However, this would involve using the 'green' footpath along the riverbank, which connects with the two crossing points over the river, some distance to the north and south of the site. There is no pavement along New River Bank and such a walk would not be manageable by all. I also note that there is no bus service; however, I accept that cycling is an option albeit this would be along the main road. Overall, I consider that this would result in the majority of trips being made using the car. The development would not therefore reduce the need to travel by car and would only promote sustainable forms of transport to a limited extent.

7. In seeking to promote sustainable transport, paragraph 103 of the National Planning Policy Framework (the Framework) notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and paragraph 110 states that priority should be given to pedestrian and cycle movements, so far as possible, and access to high quality public transport should be facilitated. Notwithstanding that the site is in a rural location, albeit reasonably close to the settlement of Littleport, it is my view that there would be little opportunity to use sustainable modes of transport.
8. Overall, I find that the proposal would be contrary to the above LP policies and the policies of the Framework that seek to promote sustainable transport.

Character and appearance

9. The site is a substantial area of agricultural land, currently comprising an open undeveloped part of the countryside that surrounds the town of Littleport, and which provides a pleasant rural landscape setting to it. The eastern side of New River Bank is characterised by some sporadic dwellings set within large plots. However, these are interspersed with large open areas of undeveloped farmland. The appellant suggests that the site could be considered as an 'infill' plot within what is described as ribbon development, but in my view, the built development that exists does not provide a continuous built up frontage within which it might be argued that infill development would be appropriate.
10. The appellant also suggests that the proposed dwelling, by reason of its sympathetic 'rural' design, form and materials, would integrate into the landscape with areas of ecological enhancement and native tree planting and hedgerows. However, whilst the proposed 'green' design and appearance of the proposal is noted and I acknowledge that this would provide, to an extent, an open, landscaped setting, it would nevertheless introduce a substantial building into this currently undeveloped and completely open site with additional areas of driveway and hardstanding for the parking of cars. This would introduce a visually prominent and intrusive form of development, mitigated to only a limited degree by the proposed landscaping. In addition, I note that as part of the flood mitigation proposals it would be necessary to build the dwelling on a raised bund, 1 metre above existing ground levels. This would exacerbate the visual impact of the proposed dwelling.
11. Overall, I consider that the proposal would detract from the open nature of the site and its relatively undeveloped surroundings. Thus, it would conflict with LP policies ENV1 and ENV2 which seek to ensure that development is sympathetic to settlement character including the space between settlements and their wider landscape setting and complements local distinctiveness. For the above reasons the proposal would also fail to comply with paragraphs 127 and 170 of the Framework which seek to ensure that development is

sympathetic to local character, including the surrounding landscape setting, and recognises the intrinsic character and beauty of the countryside.

Flood risk

12. The site is located in Flood Zone 3 where vulnerable development such as that proposed should be avoided. LP Policy ENV8 states that new development should normally be located in Flood Zone 1 and that elsewhere the Sequential Test and Exception Test will be applied as appropriate. This policy is supported by the Cambridgeshire Flood and Water SPD which sets out in detail how such tests should be undertaken to support proposed development. The Framework states that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
13. Whilst the appellant has provided a Flood Risk Assessment (FRA) that has satisfied the Environment Agency in terms of demonstrating that the dwelling itself would be flood resilient, no Sequential Test has been provided. The Council contends that there are a number of potential alternative sites comprising allocations, sites with planning permission and windfall sites. The appellant states that it cannot be agreed that there are other reasonably available sites in the Parish that will accommodate the proposal, stating that they are too small for the proposed development given that the site would need to be equal in size to that of the appeal site. However, no detailed assessment of any sites is provided to support this conclusion, in the absence of which it is not possible to conclude whether that would be the case. In addition, no specific justification has been provided in support of the contention that an alternative site needs to be the same size as the appeal site.
14. I therefore conclude that the Sequential Test has not been satisfied. Whilst I acknowledge that the flood defences in the area have been considerably improved in the recent past and that the appellant notes that flooding has been non-existent since that time, it is agreed that the site remains in flood zone 3 to which the above test applies. The National Planning Policy Guidance (PPG) also states that the Exception Test, which should be applied following the application of the Sequential Test, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The FRA makes reference to the use of the station as providing a wider sustainable benefit to the community, but in my view, this would be only a limited benefit. I consider that this does not demonstrate that the development would provide wider sustainability benefits to the community that outweigh the flood risk such as to pass the Exception Test, even had the Sequential Test been satisfied.
15. I find that the proposal would therefore be contrary to LP policy ENV8, the Council's SPD and to Framework paragraphs 155, 158 and 160.

Other Matters

16. It is agreed that the Council cannot currently demonstrate a five year supply of housing. However, whilst this would 'trigger' the application of Framework paragraph 11(d), I have also found that the application of policies in the Framework that protect areas or assets of particular importance, that is areas

at risk of flooding, provide a clear reason for refusing the development proposed. Therefore, the presumption in favour of sustainable development does not apply in these circumstances.

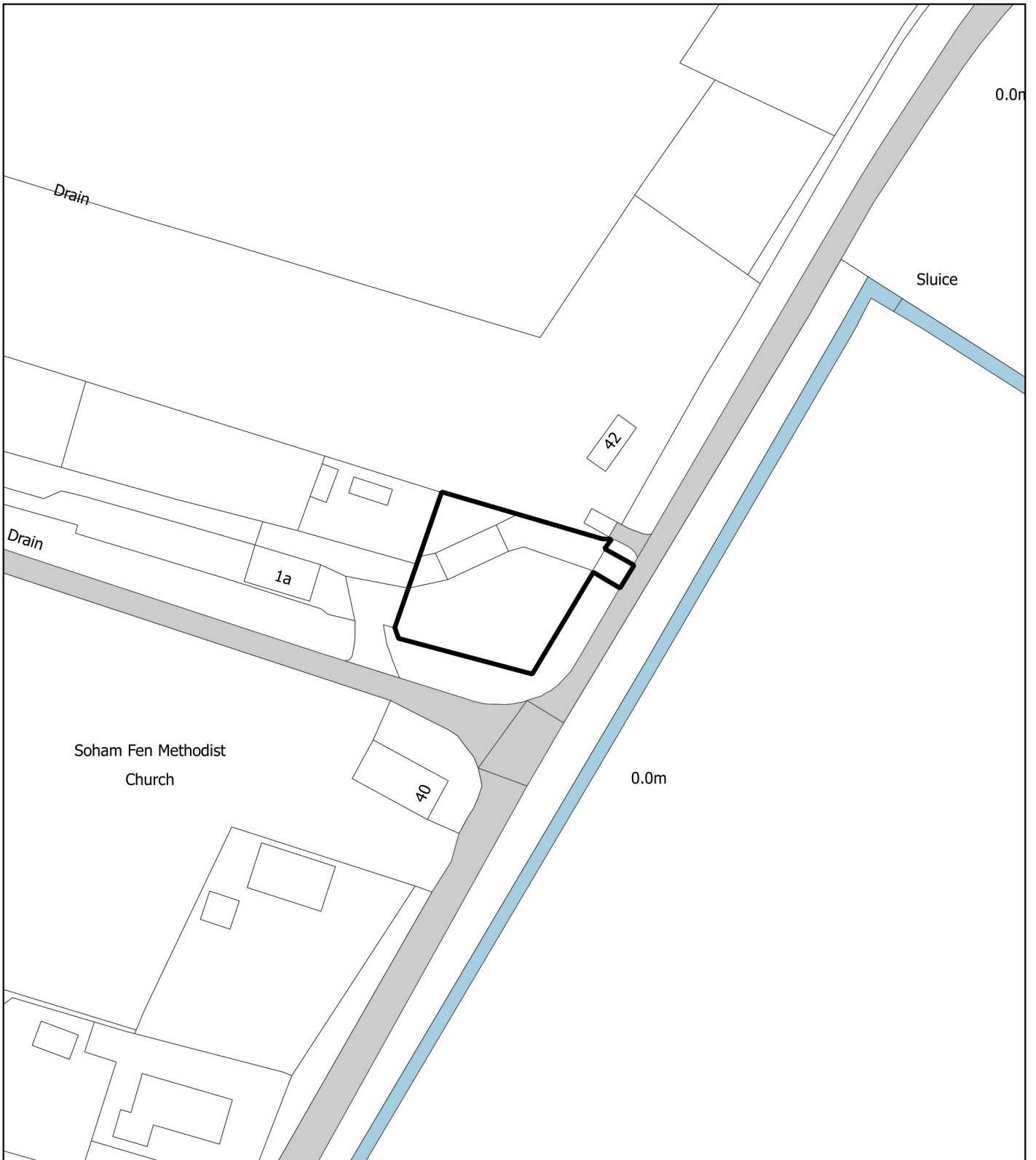
17. In seeking to deliver a sufficient supply of homes, the Framework, at paragraph 78, states that housing should be located where it will enhance or maintain the vitality of rural communities. I acknowledge that the proposal would provide a modest benefit of an additional house to local housing supply, and it would be likely to support the facilities of Littleport, albeit in a way that would involve the use of the car for the majority of journeys.
18. Framework paragraph 79 states that the development of isolated homes in the countryside should be avoided unless one of the listed circumstances apply. This includes where the design is of exceptional quality, defined as set out. The appellant argues that the design of the dwelling has been based on the intent of meeting the requirements of this paragraph, though in my view, the proposal would not be an 'isolated' home. However, whilst it would incorporate many 'sustainable design' features and would be a low carbon, energy efficient house in line with PassivHaus standards, and these features are to be welcomed, I do not consider them to result in a design of 'exceptional quality' nor would it, in my view, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area, for the reasons given above. It does not therefore satisfy this paragraph in my view.
19. The appellants are life-long residents of the area and have close family connections; the proposal would also provide accessible accommodation for their elderly parents. This would provide for a local need; however, for the reasons set out above, it has not been demonstrated that the proposed development is the only way in which such needs could be met. It is also contended that the land is no longer economically viable for agricultural cultivation, though no detailed information is provided, nor is there any indication as to what other countryside uses have been considered.
20. The appellant also suggests that dwellings have been permitted recently in the vicinity of the site; however, I have not been provided with any detailed information in this respect and in any event, I am required to determine this application on the basis of the particular circumstances before me.
21. I have also noted the support for the development from local Councillors, but this does not lead me to alter my conclusions above regarding the main issues.
22. Overall, I attribute only limited weight to these factors.

Conclusions

23. For the reasons set out above, I find that there would be conflict with the development plan. Having regard to all material considerations, including the relevant policies of the Framework, it is my view that these do not indicate a decision other than in accordance with the development plan.
24. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



19/01421/OUT

Mobile Home at
1A Chapel Lane
Soham



East Cambridgeshire
District Council

Date: 19/12/2019
Scale: 1:1,000



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MAIN CASE

Reference No: 19/01470/OUT

Proposal: Outline application for the erection of up to 4no. dwellings along with associated infrastructure and landscaping with all matters reserved apart from access

Site Address: Site South Of 60 Longmeadow Lode CB25 9HA

Applicant: Cambridgeshire County Council

Case Officer: Molly Hood, Planning Officer

Parish: Lode

Ward: Bottisham
Ward Councillor/s: Charlotte Cane
John Trapp

Date Received: 15 October 2019 **Expiry Date:** 10 January 2020

[U151]

1.0 RECOMMENDATION

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

- 2 Time Limit - OUT/OUM/RMA/RMM
- 3 Time Limit - OUT/OUM
- 4 Site Characterisation
- 5 Reporting of unexpected contamination
- 6 Piling foundations
- 7 New access - width
- 8 Access drainage
- 9 Footpath Construction
- 10 'No dig' measures
- 11 Tree Protection Measures
- 12 Construction times
- 13 No pruning/cutting or felling/removal
- 14 Foul and Surface water drainage
- 15 Archaeological Investigation

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline consent for the erection of up to four dwellings with a new access from the public highway of Longmeadow. The only matter to be considered at this stage is access. All other matters would be dealt with at reserved matters stage.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application has been called into Planning Committee by Councillor Cane as the site is open countryside and was not considered for development in the 2015 Local Plan. Additionally the site is of significant archaeology and the grassland, species rich hedge and trees are important habitats on the site.

3.0 PLANNING HISTORY

- 3.1 No relevant planning history.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The 0.26 ha site is adjoining to the defined to settlement boundary of Longmeadow. The site currently forms part of an open field, with well-established hedgerows present on the southern and northern boundaries, as well as a few trees on the front boundary. Beyond the rear of the site there is a further mature hedge which defines the boundary of the larger field. Adjacent to the site on the northern boundary is a detached residential dwelling and to the south is an agricultural field.

5.0 RESPONSES FROM CONSULTEES

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

Parish - 14 November 2019

The Parish Council consider that before the question of access is considered, a determination needs to be made about whether it is appropriate to develop this site at all. There were differing views ranging from one that it is inappropriate to approve development in open countryside to a view that it should be considered in the light of the need for more housing. The Council noted that at this stage there is no information about the nature of the housing to be developed and whether it will be affordable;

Comments were made about the already extant issues with high volumes of traffic speeding along the B1102 creating risks for vehicles leaving Longmeadow, especially turning right;

It was noted that the development of this site had not been proposed during the period when the local plan was being reviewed. There was concern that if

permission is given to develop this site, it will lead to further exceptions being made to develop the land owned by the County Council to the rear of the proposed development and also along the rest of the road going South towards the B1102.

The Parish Council concludes that, given that this site was not included in the 2015 Local Plan nor was it proposed during the consultation for a replacement plan, the application for permission to develop this site must be called in and determined by the Planning Committee

Ward Councillors - No Comments Received

Cambridgeshire Archaeology - 29 November 2019

Our records indicate that this site lies in an area of archaeological potential, situated only 100m to the south east of a nationally designated area of Roman settlement (National Heritage List for England reference 1006793), thought to have been the site of at least four Roman buildings and wherein has previously been identified numerous findspots of Roman date including a dispersed coin hoard and substantial quantities of Roman coarse ware pottery (06865), with many vessels which were substantially complete reported as coming under plough when the settlement area was first ploughed in the 1950s. Examination of aerial imagery shows that linear features associated with the settlement extend a considerable distance to the south and west of the scheduled area. Later activity in the landscape is represented in the form of numerous findspots of Saxon and medieval date, eg. 06572, 06616, 06617). To the south of the application area is cropmark evidence of a Bronze Age barrow (funerary monument) (06609), with cropmark evidence of earthworks of a track and other linear features (10129) representing a possible area of deserted medieval settlement to the south east.

We therefore cannot support the conclusions drawn by the brief 'archaeological appraisal' appended to the Heritage Assessment submitted in support of this application, that archaeological remains within the site boundary are likely to be 'of no more than low archaeological importance', and whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

ECDC Trees Team - 3 December 2019

The treed vegetation on the front boundary of this site appears to comprise Ash (re-generation from an old specimen), Elder and possibly Elm - I would estimate this vegetation to be 8 - 12 years old with the Elm no doubt re-growth from a mature Elm lost to Dutch Elm disease. With such specimens they generally reach 10-15 years of age or approximately 8-10m in height before they succumb to DED again.

The trees are not afforded any statutory protection and can therefore be removed without consent from the Council, to ensure the trees are retained ideally a TPO should be served however these specimens while highly visible would not be considered for a TPO.

If this vegetation is included on an approved plan then the use of no-dig construction for the section of footpath through the Root Protection area will be required - all round a bit onerous for poor specimens.

From the masterplan they are indicating a good landscape buffer along the frontage which will help assimilate the development into the rural character, I would therefore advise that the existing vegetation is not retained and a robust landscaping scheme is proposed with a mix of native but also some trees of interest given the buffer will be part of residential development. The western boundary can include specimens which will achieve a height over 10-12m in maturity along with smaller specimens for example Pride of India, Liquidamber, Judus tree for colour and interest, native species Box elder, Field Maple, Oak, Trident Maple - they could include a fruit tree or two for local diversity.

Local Highways Authority - 6 November 2019

The highways authority has no objections in principal to this application, subject to recommend conditions.

Waste Strategy (ECDC) - 8 November 2019

No objections.

CCC Growth & Development - No Comments Received

Environmental Health - 29 October 2019

Under section 6 of the Application Form the applicant has indicated 'yes' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. I therefore advise that contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, to be attached to any planning permission granted.

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

07:30 - 18:00 each day Monday - Friday
07:30 - 13:00 on Saturdays and
None on Sundays or Bank Holidays

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

5.2 Neighbours – 10 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- Contractors vehicles will be parked up on the road and delivery vehicles may block the road.

- The connection of the mains water, sewage and electricity will lead to the road being dug up.
- Our outlook will be completely destroyed by the building of two storey dwellings.
- No.60 is the first building in the hamlet and is in keeping with the hamlets visual history, these dwelling would block this.
- The existing sewage and telecommunications are under great strain already.
- The site is outside the development envelope and there's no amenities in Longmeadow.
- The land is remnants of the authority allotments, will new allotments be provided.
- The tree survey fails to mention the Elm tree by the entrance, as a survivor of Dutch Elm Disease this should be protected.
- There is a bat colony and swifts which feed over the area and Barn Owls roost in the gardens of No.62
- The junction of Longmeadow with the B1102 has limited visibility and traffic is at national speed limit.
- Longmeadow cannot take additional housing and is not marked for expansion.
- Overdevelopment of rural area and creates a precedent.
- There is a lot of agricultural vehicles and HGV's which use the road.
- The site has once been rejected before.
- Local infrastructure is already overstretched.
- The phone kiosk, letter box and village noticeboard will obscure visibility.
- Concern about what will happen to the field behind the development.
- At present the drains cannot cope with heavy rain and the road floods, this development will take further land up for rainwater drainage.
- The visual impact of the development would be quite considerable.
- The proposal would be overbearing, overlooking, overshadowing and result in a loss of privacy.
- It is not a sustainable location.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density

6.2 Supplementary Planning Documents

Design Guide

Developer Contributions and Planning Obligations

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

Flood and Water

6.3 National Planning Policy Framework 2019

2 Achieving sustainable development

5 Delivering a sufficient supply of homes

8 Promoting healthy and safe communities

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

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

15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations in the determination of this application are the principle of development, residential amenity, visual impact, flood risk and drainage, ecology and biodiversity.

7.2 Principle of Development

7.2.1 The Five Year Housing Land Supply report dated June 2019 has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local Plan (GROWTH 2) cannot be considered up-to-date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

7.2.2 The proposal would be beneficial to the local housing supply in the form of four dwellings, and would be beneficial in the short term to the local economy through the construction stage. The site is located adjacent to the settlement boundary and would be well linked to the remainder of the village. Whilst it is acknowledged that Longmeadow has no facilities for residents it is connected to the larger settlement of Lode and Swaffham Bulbeck via a footpath and is considered to be a sustainable location for development. The principle of development is considered acceptable subject to compliance with other local and material planning policies and all other material planning considerations that form part of the planning balance for this application.

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. Additionally paragraph 127(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users. The full details of the proposed dwellings are not submitted at this stage and would be considered at reserved matters. The indicative layout provided with the application indicates how acceptable plot sizes could be achieved, in accordance with the Design Guide SPD.
- 7.3.2 The indicative plan demonstrates the residential dwellings in a location which is set back from the existing linear development pattern of Longmeadow and the neighbouring property No.60. This indicative layout would not be acceptable at reserved matters stage but layout and scale are not being considered in this application. Neighbour concerns have been raised regarding the overlooking, overbearing and overshadowing impacts of the development as well as the loss of privacy for nearby residents. Whilst the concerns have been noted, the impact between the proposed dwelling and No.60 cannot be fully considered until the full details of the layout, design, scale and appearance are submitted.
- 7.3.3 Furthermore, the access would be situated close to the southern boundary and at the furthest point away from No.60 Longmeadow. Neighbour concerns have been received over the impact on parking and the access to the site. Whilst there are residential properties opposite the site, the position of the access is not considered to result in significant noise and disturbance to surrounding residential dwellings.

7.4 Visual Impact

- 7.4.1 In terms of visual impact, Policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. The NPPF indicates that development should be refused which fails to improve the character and quality of an area and the way it functions. Neighbour responses were received which raised concern over the visual impact of the development and disruption to the existing outlook of the site.
- 7.4.2 The applicant has submitted a Landscape and Visual Impact Statement which concludes that the existing housing to the west, north and south limits the extent to which the proposed development can be perceived in the wider landscape. Additionally the statement addresses how the settlement pattern already extends south to the junction and that the site would be contained by existing and proposed features, making it contiguous with existing development.
- 7.4.3 The site is located at the edge of the settlement and is closely related to the open countryside to the south and east. Due to the edge of settlement location this means that the proposal will have a high visibility within the streetscene. However it

is considered that due to the defined and well-established boundary treatments the natural end of the settlement can be defined by the southern boundary of the site. The established hedgerow creates a natural definitive line to the open countryside beyond. The development of this site is not considered to result in a significant urbanisation towards the edge of the settlement or detrimental encroachment into the open countryside.

- 7.4.4 As scale, layout and appearance cannot be considered at this stage the visual or physical affinity with the existing pattern of development cannot be fully assessed, however the indicative plan mirrors the existing linear pattern of development. It is considered any development on the site would have to reflect the linear pattern of development and characteristics of the existing dwellings within the streetscene. In particular the development should have a sympathetic relationship to No.60 Longmeadow as it forms the closest neighbouring dwelling within the streetscene. Whilst a linear development is demonstrated on the indicative plan, it shouldn't be assumed that the indicative design is acceptable in terms of layout or scale.

7.5 Highways

- 7.5.1 The application proposes to construct a single access point off Longmeadow to serve the residential dwellings. The indicative plan demonstrates an internal road which would serve all residential dwellings off street parking and provide the appropriate turning space to allow vehicles to safely manoeuvre out of the site in a forward gear. The internal access road would run parallel to the highway, separated by the grass verge. The site is considered to be able to accommodate adequate parking provision for up to four dwellings. The Local Highways Authority have raised no objection to make regarding the access to the site, subject to standard conditions being applied.
- 7.5.2 The submitted access assessment demonstrates that a pedestrian footpath will connect the proposed access with the existing footpath which runs along Longmeadow. The access assessment also indicates the 2.4m visibility splay for 43m, which provides more than sufficient visibility. Neighbour concerns were raised over the visibility impacts from the location of the telephone kiosk, post-box and noticeboard. Present within the grass verge currently is a post-box, noticeboard and telephone kiosk, however the Local Highway Authority are confident that these objects would not impinge visibility for the site. Furthermore, the access to serve the site can adequately achieve a width over 5m for a suitable distance.
- 7.5.3 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 each dwelling.

7.6 Ecology & Trees

- 7.6.1 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.

- 7.6.2 Neighbour concerns have been raised over the presence of bats and swifts which feed over the site. A Preliminary Ecological Appraisal has been submitted as part of the application. The appraisal noted that the site represents part of a small arable field, with species poor grass margins but does include a species rich hedgerow. It is noted that the trees and hedgerow are what possess the elevated ecological and habitat value, therefore playing an important role in the ecological quality of the site. The appraisal recommends that the onsite hedgerow and trees are retained, protected and enhanced with a recommendation that no further surveys are required for specific protected species. No trees or hedgerows are indicated to be removed and as these form the ecological features of the site it is considered that the proposal has sought to conserve the natural environment.
- 7.6.3 To provide a biodiversity gain, a condition will be imposed requiring biodiversity improvements. Particularly the recommendations from the Ecological Appraisal should be incorporated into the development, for instance the nest boxes. Additionally as the appraisal highlights the only protected animal species on the site are hedgehogs, it would be expected that features are incorporated to enhance and support hedgehogs. It is considered the development would not reduce the ecological value of the site and with incorporating the recommendations would deliver a biodiversity net gain, complying with policy ENV7 and the NPPF.
- 7.6.4 The access and pedestrian footpath will be in close proximity to the existing trees on the front boundary. However, the Arboricultural Impact Assessment states that no trees will be removed as a result of the development and in particular no removal of trees from the front boundary of the site. The Tree identified as T1 is situated to the south-west corner of the site and is impacted by the access, due to the root protection area extending into the access. The AIA indicates the use of a specialist no-dig 3D cellular confinement system for the surfacing of the internal road. The AIA advises that tree protection barriers will be used during the construction of the development. However, on the advice of the Trees Officer it is considered necessary for the use of no-dig construction for the area of the root protection area of retained trees which are impacted by the footpath and access construction. With any recommendation of approval it would be necessary to ensure protection measures are in place for the retained trees and hedgerows and no-dig measures are appropriately in place where necessary.

7.7 Other matters

- 7.7.1 All applications for residential use are considered particularly sensitive to the presence of contamination. Environmental Health advised an appropriate contamination assessment is required. It is therefore considered reasonable that conditions are appended to the grant of planning permission requiring a contamination assessment to be agreed by the Local Planning Authority prior to commencement of development and with regards to unexpected contamination and

remediation measures if required. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.

- 7.7.2 If the application was to be approved any layout would have to include a suitable collection point refuse and recycling. Additionally multiple neighbour concerns have been received over the drainage of the site and how this will be handled. Concerns were also raised over the capacity of the existing network and how surface water will be drained as the existing road floods. Foul drainage is indicated as being connected to the mains sewage and the application indicates that a sustainable drainage systems will be provided. Drainage matters will be conditioned.
- 7.7.3 The Historic Environment Team commented on the application advising that the site lies in an area of archeological potential, due to its situation only 100m to the south east of a naturally designated area of Roman settlement. Furthermore to the south of the application area is cropmark evidence of a Bronze Age barrow, with cropmark evidence of earthworks of a track and other linear features representing a possible area of deserted medieval settlement to the south-east. Therefore the Historic Environment Team do not support the conclusions of the archeological investigation that remains within the site are to be 'no more than low archeological importance'. The Archeological Officer advised that the site should be subject to a programme of archeological investigation. This would be secured through the inclusion of a condition.

8.0 Planning Balance

- 8.1 The proposal represents a sustainable form of development on the edge of the settlement of Longmeadow. The application would be a positive contribution to the local and wider economy in the short term through construction work and long term benefits to the natural environment through on-site biodiversity improvements. It would also contribute an additional dwelling to the local housing stock.
- 8.2 It is considered that the proposal complies with the aims and objectives of policies within the East Cambridgeshire Local Plan, and the 2019 NPPF. The benefits of the scheme in provision of up to four new dwellings are considered to outweigh the harm caused and the application is recommended for approval.

9.0 Costs

- 9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the council.
- 9.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 9.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than

officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

9.4 In this case Members' attention is particularly drawn to the following point:

The site is adjacent to the development boundary of Longmeadow.

10.0 **APPENDICES**

10.1 Appendix 1 – list of draft conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01470/OUT	Molly Hood Room No. 011 The Grange Ely	Molly Hood Planning Officer 01353 665555 molly.hood@eastca mbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

Appendix 1 – Conditions

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

Plan Reference	Version No	Date Received
J0025597_002		15th October 2019
J0025597_001		15th October 2019
Access Assessment		15th October 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 3 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 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 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.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 The access shall be a minimum width of 10m, for a minimum distance of 16m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to first occupation the footway as shown on the approved drawing 'Access Assessment' shall be installed and constructed to Cambridge County Council specifications.

- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 10 A "no dig" method of driveway construction shall be used for the areas of the access which are situated within root protection areas of the retained trees. Works shall be carried out in accordance with BS 5837:2012 - Trees in relation to construction – Recommendations.
- 10 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 11 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 12 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30-18:00 each day Monday-Friday, 07:30-13:00 Saturdays and none on Sundays or Bank Holidays.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 Except as detailed on the approved plans, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority.
- 13 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No development shall take place until a scheme to dispose of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the commencement of use.

- 14 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.
- 15 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 15 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 16 The development shall be carried out in accordance with the recommendations contained within Section 4 of the Preliminary Ecological Appraisal dated May 2019.
- 16 Reason: To protect species and sites of nature conservation, in accordance with Policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.



19/01470/OUT

Site South of
60 Longmeadow
Lode



East Cambridgeshire
District Council

Date: 19/12/2019
Scale: 1:1,500



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Planning Performance – November 2019

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

All figures include all types of planning applications.

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validation	178	2	50	36	16	30	42
Determinations	191	7	43	43	15	39	44
Determined on time (%)		100% (90% within 13 weeks)	95% (80% within 8 weeks)	100% (90% within 8 weeks)	93% (90% within 8 weeks)	62% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	165	2	32	39	12	37	43
Refused	26	5	11	4	3	2	1

Open Cases by Team (as at 17/12/2019)							
Team 1 (3.5 FTE)	161	17	54	18	22	50	0
Team 2 (3 FTE)	119	11	31	21	21	35	0
Team 3 (3 FTE)	84	5	16	27	12	24	0
No Team (4 FTE)	116	11	35	6	15	10	39

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

The Planning department received a total of 184 applications during November which is a 5% decrease on November 2018 (194) and 19% decrease from October 2019 (226).

Valid Appeals received – 4

Harrimere 62 Chapel Hill Holt Fen Little Thetford Ely – Delegated Decision
 Site West Of 39 Sutton Road Witchford – Delegated Decision
 8 The Cotes Soham Ely – Delegated Decision
 Site East Of 25 Lode Way Hod Hall Lane Haddenham – Delegated Decision

Appeals decided – 6

Site West Of 9A Nelsons Lane Haddenham – Dismissed – Delegated Decision
 30 Cambridge Road Ely – Dismissed – Committee Decision
 51 Cannon Street Little Downham Ely – Dismissed – Committee Decision
 41 Ward Way Witchford Ely – Dismissed – Delegated Decision
 Site East Of 8 Duck Lane Haddenham – Dismissed – Delegated Decision
 Land To East Of Sunnysdene Pymoor Lane Pymoor – Dismissed – Delegated Decision

Enforcement

New Complaints registered – 28 (6 Proactive)

Cases closed – 36 (6 Proactive)

Open cases/officer (2.5FTE) – $237/2.5 = 95$ per FTE (25 Proactive)

Notices served – 0

Other information

17/02217/OUM & 18/01611/OUM for Site south of 85 to 97 Main Street Witchford appeal Hearing has been arranged for 15th January 2020, starting at 10am and will be held in the Council Chamber at the Council Offices. Letter have been sent to relevant parties.