

TITLE: 23/00450/FUL

Committee: Planning Committee

Date: 04/09/2024

Author: Planning Team Leader

Report No: Z50

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Site Address: Site To West Of 10 - 20 Sheriffs Court Burrough Green Suffolk

Proposal: Part Retrospective Construction of 5no. 1.5 storey, detached dwellings with detached garages

Applicant: Pure Eco Homes Ltd

Parish: Burrough Green

Ward: Woodditton

Ward Councillor/s: James Lay
Alan Sharp

Date Received: 13 April 2023

Expiry Date: 9 September 2024

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Vehicular Access
- 3 Obscure Glazing
- 4 Permitted Development- Windows
- 5 Permitted Development- Removal
- 6 Construction Environmental Management Plan
- 7 Construction Times
- 8 Materials
- 9 Landscape and Ecological Maintenance Plan

- 10 Biodiversity Credits
- 11 Sustainability
- 12 Soft and Hard Landscaping
- 13 Boundary Treatments
- 14 Unexpected Contamination

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks full planning permission for the erection of five 1.5 storey dwellings with detached garages.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.3 The application has been called into Planning Committee by Councillor Alan Sharp.

3.0 PLANNING HISTORY

3.1

19/00708/OUT

Five single storey dwellings with detached garages

Approved

8 August 2019

20/00808/RMA

Reserved matters - appearance, landscaping and layout for five single storey dwellings with detached garages

Approved

28 September 2020

17/01681/OUT

Five single storey dwellings with detached garages

Refused

27 June 2018

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located within Burrough Green; a small village located approximately 5 miles south-west of Newmarket. A Conservation Area covers the southern and central parts of the village and includes a number of attractive buildings including several thatched cottages. The application site comprises an irregular shaped area of land located along the southern edge of Burrough Green and measures approximately 0.80ha. Part of the site abuts the Burrough Green Conservation Area to the north and north-west.
- 4.2 There is a staggered row of large detached properties in Church Lane located on generous plot sizes which wrap around the site on its northern and north-western

boundary. Along the east boundary lies a more contemporary form of residential development of two storey semi-detached dwellings in Sheriffs Court. To the south of the site is open countryside.

- 4.3 The site itself is currently under construction, benefitting from previous planning consents.

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 - 16 January 2024

Burrough Green Parish Council discussed the amendment (Alternation to position of plot 1 and 5, Reorientation of plot 2 garage, alteration to plot 2,3,4,5 glazing, provision of ecology report and updated Design and Access statements and comment as follows:

The council is supportive of growth but feels the proximity/height of the proposed dwellings (compared to the original plans), impact negatively on the privacy to existing housing. The council are also disappointed that no update was provided on the application variation.

Parish - 5 May 2023

Burrough Green Parish Council comment as follows:

After studying the details it appears that all of the 'new' first floor windows are either:

- a. Velux, high on the pitched roofs, where they don't believe people inside could see out, or;
- b. Side of gable end windows - only 1 of these (on the north side of plot 5) faces towards an existing property on Church Lane.

The top of the roof pitches on the revised properties are a little taller, but no taller than the chimneys on the previously approved plans (the chimneys are no longer included).

It also appears that the new proposed properties are 'greener', with more solar panels; no log fires; Mechanical Ventilation with Heat Recovery (MVHR); Passivhaus thermal performance standards; Integrated rain water collection and recycling; electric vehicle charging.

On this basis, the Parish Council don't have any objections to this application.

Ward Councillors - 13 September 2023

Cllr Alan Sharp

I have received a call from a resident, who abuts this site, that the higher storeys of the current application are currently being installed on site, which is contrary to the actual planning permission that they currently hold.

The current application has not been determined, so there is not permission to extend these properties.

Kevin Drane still has an objection and the resident states that the properties are being built not in accordance with the original agreed plans, but closer to neighbouring properties.

I would ask that the developer be stopped from continuing to build properties for which they have no permission and that the layout of the site be checked, to ensure that they are in accordance with agreed plans.

Based on the comment of the resident, I have checked that the developers are already trying to get investors for "an agreed additional 14 houses on the site". I know that this is marketing, but am concerned that we have a developer, who is prepared to ride roughshod over the rules.

In view of the apparent blatant breach of planning consent, I am looking to call this application into Committee.

Environmental Health - 14 February 2024

I have read the CEMP dated 2024 and am happy with the contents.

Environmental Health - 19 April 2023

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. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

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.

East Cambs Ecologist – 16 August 2024

Headline: Pre- cleared site, without purchasing of units will cause net loss of biodiversity. However, with the information provided with currently I **Support** this application, with conditions applied.

Ecological Context:

This site is not close to designated sites but it has a recreational pressure on SSSIs IRZ in place which has not been addressed.

Local and international significance: none

Habitats: cleared prior to applying estimated as other neutral grassland, trees, bramble scrub & developed land in generally poor condition.

There are no priority habitats.

Protected and priority species: Possible Great Crested Newts site was likely to have been suitable for Newts, lizards prior to clearance.

Proposed Mitigation: DLL for Great crested newts, a contract has been entered into and is acceptable.

From the ecology report 2023

- Section 6.2 details measures to be taken during construction which must be followed.
- Section 6.3:
 - 121m of new native species-rich hedgerow will be planted, along with 17m of new hornbeam planting. Detailing species composition and implementation and management of the feature which is acceptable.
 - Flowering lawn mix which is designed to cope with frequent mowing.
 - Species rich meadow for the areas where infrequent mowing will occur and acceptable management details provided.
- Section 6.5 of the ecology report details the requirements for sensitive lighting which I support.
- Section 6.6 hedgehog highways with signs to reduce the risk of them being blocked off.

I support the proposed **Ecological Enhancements** as set out in the Ecology report December 2023 section 7.

- List of native and fruiting trees with management which I have no objection.
- 100m² ornamental shrubs with management I have no objection

Mapped on Figure 8.

- 5 new bat boxes to be installed.
- 5 bird boxes – swift and house sparrow
- Hedgehog domes
- Log piles

The landscape plan details the areas where the habitats will be created including swales, tree and shrub planting and grassland mixes using the recommendations of the ecology report except the bat boxes appear to be missing from the map they are listed as an action. House sparrow boxes appear to be missing completely however, the switch to swift boxes is acceptable. This is minor oversight and can be conditioned.

Biodiversity Net Gain: None mandatory

This application was submitted prior to the mandatory 10% gain and will be judged in accordance with the Natural Environment SPD 2020 and ensure no net loss.

The site had been cleared prior to submitting the application and after 1/1/2020.

To achieve the gain the developer has opted to purchase more than the remaining small amount (1.94 units) to reach 10% gain and opted to purchase 2.45 units of

medium distinctiveness from at the time the only operational habitat bank locally within the right National Characteristic area and an agreement with that provider is now subject to contract. Suitable habitats have been selected as compensation. I support this decision.

Without the purchase of suitable units the development will achieve a net loss of 48.85%

This application **has** used the appropriate metric to calculate the biodiversity value of the site.

I **agree** with the baseline habitats as set out in metric set from pre-clearance of the site, based on the evidence provided.

Irreplaceable habitats: none

Bespoke mitigation required: no

Conclusion:

In its current form I **support** this application, with conditions.

Conditions required:

To show evidence of the allocation of biodiversity units to the development to compensate for net losses onsite.

Submit an updated LEMP to include the features as set out in the ecology report, including the 30-year management of onsite habitats (that are not gardens).

Submit an assessment of recreational pressure effects on relevant SSSIs and measures to mitigate adverse impacts.

East Cambs Ecologist - 29 May 2024

This is a pre mandatory biodiversity net gain site and has been judged to the pre mandatory rules. With the metric supplied this site is showing an unacceptable loss of -48.85% decline in biodiversity and does not meet the local requirements as set out in the Natural Environment SPD and will not have shown the development has met ENV to Protect biodiversity or to Maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. The supporting document states 4.3.1 The entire site has been cleared, other than the non-native Acer sp. tree which has been retained. All g3c neutral grassland and h3d bramble scrub habitats have been cleared. Loss of these habitats will need to be mitigated to achieve net gain. The baseline as set out in original guidance must be evaluated from the 30 Jan 2020 or the date prior to the destruction of habitats. And should be factored onto the accounting of units that are needed to compensate. I accept the baseline estimation. They will need to purchase deficit units and add the offsetting within their calculations or reevaluate achieving BNG onsite. Habitats requiring offsetting are other neutral grassland and bramble scrub. It is advisable to consider how to achieve a gain onsite as the units could cost more than £81,480 based on 1.94 BU deficit onsite calculation offsite will cost more as more Biodiversity Units will be needed. If pursuing the purchasing of units, please provide full metric detailing the units you will purchase from where detailed in the calculations and a LEMP detailing habitat management over the 30 years for the remaining onsite site habitats.

East Cambs Ecologist - 9 January 2024

The report states "To complete an impact assessment, access must be pursued to these ponds by the client to allow Habitat Suitability Index and environmental DNA surveys to be undertaken. If this is not feasible then the client must obtain a District Level Licence (DLL) to compensate for potential impacts to great crested newts; this can be pursued with or without seasonally restricted environmental DNA surveys."

They will need to do this please.

The Ely Group of Internal Drainage Board - 2 January 2024

Not within our Districts

Local Highways Authority - 14 February 2024

I have reviewed the re-consultation on the above application and can confirm that André's previous comments remain applicable. No objection from the LHA but the internal road will not be considered for adoption.

I have no conditions or informatives to recommend.

Local Highways Authority - 11 July 2023

The observations made previously in correspondence dated 9th May 2023 remains applicable.

I note that the information recently submitted includes details of no dig construction to protect tree roots and permeable block paving, both of which further preclude adoption of highways on this site.

Local Highways Authority - 9 May 2023

The Local Highway Authority raises no objections to the proposed development.

The proposed access is essentially the same as that previously granted permission with respect to application 19/00708.

Turning and parking within the site appears broadly acceptable, with access joining a private section of road, before joining the public highway at an existing junction opposite No1 Sheriffs Court.

Drainage of roads within the site is by swale and while this would prevent them being adopted, the application form indicates that no public roads are to be provided, and I would not therefore look to raise any objections in this regard.

Conservation Officer - 24 April 2023

Comments:

The application site is to the south of the properties on Church Lane, outside but abutting the Burrough Green conservation area. A comparable scheme was accepted here in 2020 (20/00808/RMA) and although the Cambridgeshire Local Heritage Project has identified further potential local heritage assets (Bretttons, the former rectory & Rectory Cottage) since then to the west of the site, the present scheme is not considered to represent any net additional heritage impacts over and above the previous permission. <https://local-heritage-list.org.uk/cambridgeshire>

Recommendation: no objection

ECDC Trees Team - 19 August 2023

The use/location of soft fruit producing tree species such as *Sorbus aucuparia*, *Sorbus aucuparia* 'Asplenifolia' and *Crataegus monogyna* should be reconsidered if

their locations overhanging or are adjacent to parking areas and footpaths as this is unsuitable for their long-term retention. The soft fruit produced and dropped can pose a slip hazard as well as making a mess that can be transported into properties and vehicles as well as attracting unwanted insects such as Wasps, Ants etc. into conflict with residents.

The significant damage done to the high-quality Purple leaved Sycamores (T1 that was to be retained) roots as described in the tree report is likely to result in its removal on safety grounds if it doesn't succumb to the damage first and die. As such there must be a contingency plan for its replacement included in the soft landscaping plan.

Due to the issue above the landscaping scheme is not acceptable at this time.

ECDC Trees Team - 3 May 2023

The submitted arboricultural report is 4 years out of date and relates to a different layout an up dated Arboricultural Impact Assessment (AIA) is required prior to determination of this application. If the new road is to be adopted it will need to be agreed with county highways that the road and footpath can be constructed using the proposed no dig construction required for the retention of tree T1.

The soft landscaping scheme includes trees that are located in the fence lines new trees must be located at least 1m from fences existing ones and new to allow for the trees future growth potential and to have a clearly identifiable ownership. The use of *Malus sylvestris* (Common Crab Apple) and *Juglans regia* (English Walnut) should be reconsidered where their locations overhanging or are adjacent to parking areas and footpaths will be unsuitable for their long-term retention. These trees produce fruit (Crab apples, Walnuts) that can pose a slip/trip hazards as well as making a mess and attracting unwanted insects such as Wasps, Ants etc. *Carpinus Betulus* (common Hornbeam) is indicated as being planted in close proximity to garages and dwellings this should be reconsidered as these are a very large species of tree capable of growing to 17m plus in height with a similar crown spread. The use of native tree species is commendable but it may be more suitable and sustainable in the long term to consider non natives species of cultivars that may be better suited for the long term retention.

Due to the issues above the landscaping scheme is not acceptable at this time.

Waste Strategy (ECDC) - 8 June 2023

o East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; 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).

o The site road does not appear suitable for our collection vehicles to enter and the Highways have indicated they would not adopt the roads, therefore ECDC will be unable to enter the site to collect waste and recycling. A suitable collection point should be provided adjacent to the roadway at Sheriffs Court for residents to leave any bins and bags and the collection point should have a solid base so as to be

suitable for use in all weathers. Any incorrect waste left at this location would be the responsibility of the site owners/residents to clear.

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

- o Each new property requires a set of receptacles; the contribution is currently £57 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council.

- o Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

Cambridgeshire Archaeology - 26 May 2023

An archaeological evaluation of the site was undertaken in August of last year in accordance with an approved evaluation WSI in connection with an archaeological condition attached to former approved application 19/00708/OUT within the same redline boundary. Despite the surrounding evidence, no archaeological features or deposits were encountered during the evaluation, therefore no further on-site archaeological works were required and we were content to release the land for development on archaeological grounds, see attached. We are now in receipt of an approved report of findings for the evaluation.

In light of the above we have no further archaeological requirements and therefore we have no objection to the application.

Please do get in touch if you have any questions regarding the above

Historic England - 21 April 2023

Thank you for your letter of 19 April 2023 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Natural England - 28 May 2023

Please refer to Natural England's letter dated 12 July 2019 (copy at bottom of this letter) regarding appropriate consideration of recreational pressure impacts, through

relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI)

Natural England's generic advice on other natural environment issues is set out in the attached Annex A.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

National Air Traffic Services Ltd - 20 April 2023

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Asset Information Definitive Map Team - 25 April 2023

Whilst the Definitive Map Team has no objection to this proposal, the Footpath must remain open and unobstructed at all times.

Informatives

Should you be minded to grant planning permission we would be grateful that the following informatives are included:

- o Public Footpath 11, Burrough Green 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 s 137 of the Highways Act 1980 to obstruct a public Highway).

o The Public footpath 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)

o No alteration to the footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).

o Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).

o The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).

o The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>

Ramblers Association South - No Comments Received

Environment Agency - No Comments Received

Lead Local Flood Authority - No Comments Received

CCC Growth & Development - No Comments Received

Cambs Wildlife Trust - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

5.2 A site notice was displayed near the site on 11 May 2023 and a press advert was published in the Cambridge Evening News on 27 April 2023.

5.3 Neighbours – 31 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- Concerns regarding damage to private property.
- Concerns regarding trees.
- Noise and vibration disruption from construction.
- Concerns regarding construction times.
- Concerns regarding mud on roads.
- Concerns regarding ecology.

- Comments regarding developer behaviour.
- Impacts on residential amenity through overbearing and sense of enclosure.
- Reports of flooding on site.
- Out of character.
- Impacts on the Conservation Area.
- Issues with parking in the area.
- More affordable homes needed in the area.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH1 Levels of housing, employment and retail growth
 GROWTH2 Locational Strategy
 GROWTH5 Presumption in favour of sustainable development
 ENV1 Landscape and settlement character
 ENV2 Design
 ENV4 Energy Efficiency and renewable energy in construction
 ENV7 Biodiversity and Geology
 ENV8 Flood Risk
 ENV9 Pollution
 ENV11 Conservation Areas
 COM 7 Transport Impact
 COM 8 Parking Provision
 HOU 2 Housing density

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework (December 2023)

2 Achieving sustainable development
 5 Delivering a sufficient supply of homes
 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
 15 Conserving and enhancing the natural environment
 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

7.1 Principle of Development

7.2 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 discusses the locational strategy for the District and sets out that outside development envelopes, development will be strictly controlled in order to protect the countryside and the setting of towns and villages. Residential development outside of the development envelopes is restricted to a limited number of categories, including dwellings for rural workers, affordable housing exception sites, extension and replacement of dwellings in the countryside.

7.3 An outline application was received in 2017 (17/01681/OUT) for five dwellings, with all matters reserved apart from access, layout and scale. The application was refused for the following reasons.

1. The proposed development by reason of its siting and layout would fail to preserve or enhance the special character of the Burrough Green Conservation Area, resulting in a detrimental impact on the setting of this designated heritage asset and the wider local environment. The proposal would therefore conflict with Policies ENV1, ENV2 and ENV11 of the adopted East Cambridgeshire Local Plan 2015 and Policy LP27 of the Submitted Local Plan and policies of the NPPF.
2. The construction of 15 unallocated visitor parking bays at the entrance into the site would result in a conflict with those accessing and egressing the site to the detriment of highway and pedestrian safety contrary to Policy COM 7 of the adopted East Cambridgeshire Local Plan 2015 and Policy LP17 of the Submitted Local Plan 2017.

7.4 The Applicant appealed this decision and the Inspector dismissed the appeal on 3rd April 2019 (APP/V0510/W/18/3208502). The Inspector considered that the additional parking area which was located at the entrance to the site would result in unacceptable risks to future and existing occupiers, as well as future users of the car park. The Inspector did not consider that the development would result in harm to the character of the Conservation Area and that it would in fact preserve the Conservation Area's character.

7.5 The Applicant resubmitted the application in 2019 (19/00708/OUT) with amendments intended to overcome the previous reasons for refusal in light of the Inspector's decision. The matters to be considered were access, layout and scale. The application was determined at Planning Committee and approved subject to conditions. A reserved matters application (20/00808/RMA) securing the detailed design of the scheme was approved under a reserved matters application in 2020. Works have commenced on the site, and the purpose of the current application is to seek permission for an altered scheme.

7.6 The current proposal does not seek an increase in the quantum of development, and broadly follows the previously approved scheme in terms of layout and access. The applicant seeks to alter the design of the dwellings, and there would be a small increase in the scale to accommodate 1.5 storey dwellings rather than single storey.

The principle of development has already been established via commencement of the previous applications.

7.7 Residential Amenity

7.8 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. Paragraph 135(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.

7.9 Alterations to the scheme have been sought to reduce the footprint of some plots, and particular attention has been paid to ensuring overlooking to neighbouring plots is prevented through the introduction of obscured glazing to windows which may have the potential to create an impact on amenity. These can be secured by way of planning condition.

7.10 The general layout arrangement remains similar to the previously approved scheme. There is an increase in height of the dwellings proposed of c1m (3.2ft). The footprints of the dwellings are directly comparable to the previously approved schemes, with no reduction in distance between the proposed dwellings and the nearest neighbouring properties. In some instances, such as with Plot 1, there is a greater back-to-back distance achieved by the current scheme. The proposed alterations are not considered to create overlooking to neighbouring properties due to the use of obscure glazing in vertical windows which face neighbouring boundaries, and rooflights to non-habitable rooms. The increase in height of the proposed dwellings is not so significant that this would create any significantly harmful impacts on the amenity of neighbouring occupiers in terms of overbearing or overshadowing. The dwellings remain laid out in such a way that the single storey elements would be the elements closest to neighbouring boundaries.

7.11 The dwellings as designed are not considered to create any significantly detrimental impacts on neighbouring occupiers as designed, however it is acknowledged that the relationship between properties may change as a result of development which may be carried out under permitted development, and therefore it is considered reasonable to impose conditions which restrict the extension of dwellings and addition of windows in order for the Local Planning Authority to fully assess future proposals.

7.12 Concerns have been raised by neighbours in relation to construction noise and mud arising from development operations. The applicant has submitted a Construction Environmental Management Plan which has been reviewed by Environmental Health and is considered acceptable. This can be secured by condition. Environmental Health have also proposed a restriction to construction times which may also be secured by condition.

7.13 It is considered that the location and scale of the proposed dwelling would not create any significantly detrimental effects on the residential amenity of nearby occupiers and that there would be an acceptable relationship between the

proposed scheme and existing neighbouring dwellings. The proposal therefore complies with Policy ENV2 of the Local Plan 2015.

7.14 Visual Amenity & Heritage

7.15 In terms of visual amenity, policy ENV1 of the Local Plan 2015 requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. 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 135-139 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.

7.16 The applicant seeks to use a Hemspan Biohaus construction which is comparable to Passivhaus principles, delivering carbon-negative development. The external elevations will be clad in dark grey horizontal timber, with clay pantiles and triple glazed aluminium windows. The materials palette as contained in the Design and Access Statement is considered to be sympathetic to the character of the area and the variety of dwellings in the vicinity of the site.

7.17 The proposed dwellings, whilst increased in height by c1m (3.2ft) from the previous scheme, are considered to be a suitable scale for the setting. The maximum height of any element of the scheme is c6.5m (21.3ft). The site is bordered by Sheriffs Court and Church Lane, both of which contain 1.5 or 2 storey dwellings, and therefore the minor increase in height from the previous scheme is not considered to be visually harmful in the context of the surrounding development. Generally, the design of the proposed dwellings is appropriate to a rural setting and creates a high-quality scheme in its own right.

7.18 The proposed boundary treatments are sensitive in their design, with close boarded fencing being positioned adjacent to properties external to the site, and the use of wicker fencing or low-height post and rail fencing between the proposed dwellings and to the external boundaries of the site. Soft landscaping planting is proposed to enhance the site and trees are positioned along the site perimeters to integrate the site within its setting and soften views. Planting is integrated between plots too which has the effect of diffusing the views of built form when within the site. The Council's Tree Officer has been consulted on the proposals and has raised some concern regarding certain species within the planting scheme. The proposed landscaping scheme will require adjustment, which can be secured by condition. Likewise, as the boundary treatments are displayed on the landscaping plan submitted, the detail of these will need to be secured by condition also.

7.19 The Council's Conservation Officer has been consulted as part of the application process and has advised that the site is outside of, but abutting, the conservation area. They advise that a comparable scheme was accepted here under application 20/00808/RMA and that the current scheme is not considered to represent any net additional heritage impacts over and above the previous permission. They raise no objection to the proposals.

- 7.20 The proposed scheme is considered to be sympathetic to the character of the area and the scheme previously approved. The differences between the implemented scheme and the current proposals are not so vastly different that the proposal could be considered unacceptable. The proposal is considered to comply with policies ENV1 and ENV2 of the Local Plan 2015, as well as the provisions of the NPPF.
- 7.21 Highways
- 7.22 Policy ENV2 of the East Cambridgeshire Local Plan 2015 sets out that development proposals will be required to incorporate the highway and access principles contained in Policy COM7 of the Local Plan 2015 to ensure minimisation of conflict between vehicles, pedestrians and cyclists; safe and convenient access for people with disabilities, good access to public transport, permeability to pedestrian and cycle routes; and protection of rights of way. Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 require proposals to provide safe and convenient access to the highway network.
- 7.23 The access proposed under the current scheme has already been agreed under the previous application 19/00708/OUT and 20/00808/RMA. The access arrangement remains unchanged under the current scheme. The Local Highways Authority note that the access is as agreed under the previous application and note that parking and turning within the site appear broadly acceptable, with access joining a private section of road before adjoining the public highway at an existing junction opposite No1 Sheriffs Court. The current scheme provides parking arrangements in excess of those required under policy COM8 of the Local Plan 2015, with a minimum of four external parking spaces being shown for each plot.
- 7.24 The Local Highways Authority note that the scheme is not to an adoptable standard, however for a scheme of 5 dwellings, the County Council would not seek to adopt the road.
- 7.25 The proposals are considered to comply with policies COM7 and COM8 of the Local Plan 2015.
- 7.26 Ecology
- 7.27 Paragraph 180(d) of the NPPF sets out that 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.
- 7.28 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.
- 7.29 Policy NE6 of the Natural Environment SPD sets out that all development proposals must provide clear and robust evidence setting out:

- (a) information about the steps taken, or to be taken, to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- (b) the pre-development biodiversity value of the onsite habitat based on an up-to-date survey and ideally using the Defra metric,
- (c) the post-development biodiversity value of the onsite habitat ideally using the Defra metric; and
- (d) the ongoing management strategy for any proposals.

- 7.30 Proposals which do not demonstrate that the post-development biodiversity value of the onsite habitat will not significantly exceed the pre-development biodiversity value of the onsite habitat will be refused. Under policy NE9 of the Natural Environment SPD, new planting must be an integral part of the design of a development rather than an afterthought. Native new planting should be provided that reflects the local character and a suitable species mix should be provided that helps to promote a wide range of biodiversity and contribute to enhancing green infrastructure. Proposals should also incorporate within the landscape scheme, features that will support the establishment of biodiversity, such as wetland areas, 'insect hotels' and log piles.
- 7.31 The applicant has submitted an Ecology Report alongside the application. The report acknowledges that the site is currently an active construction site. The report identified that further surveys were required to complete an impact assessment for Great Crested Newts (GCN). The applicant has entered into the GCN District Level Licencing scheme and therefore meets the legislative requirements regarding GCN.
- 7.32 The proposed scheme was submitted prior to mandatory Biodiversity Net Gain (BNG) legislation coming into effect. The site was also subject to clearance as part of the commencement of the previous applications. In order to achieve a net gain in biodiversity, the applicant is securing the purchase of biodiversity credits totalling 2.45 units (exceeding the 1.94 units required). The proposal is therefore considered to be acceptable.
- 7.33 The Council's Ecologist has also reviewed the ecological information submitted and advises that they support the proposed Ecological Enhancements as set out in section 7 of the Ecology report dated December 2023. The Ecologist has requested conditions requiring the submission of evidence for the BNG credit purchase, the submission of a landscape and ecological management plan (LEMP), and an assessment of recreational pressure effects on relevant SSSIs and measures to mitigate adverse impacts. The evidence of the BNG credit purchase can be secured by condition, however it is not considered reasonable to request an assessment of recreational pressures as the scheme has been implemented under a previous permission and there is no increase in the quantum of development.
- 7.34 With the assurance of the GCN District Level Licence and the proposed biodiversity enhancement secured by condition, it is considered that the proposals accord with policy ENV7 of the Local Plan 2015, policy NE6 of the Natural Environment SPD, and the provisions of the NPPF.

7.35 Flood Risk and Drainage

7.36 The site is located in Flood Zone 1, where the principle of development is considered acceptable in terms of Flood Risk. The application does not trigger any of the requirements for a flood risk assessment to be submitted. For a scheme of this size, foul and surface water drainage is a matter that would be finalised and assessed at Building Control stage and would not influence a planning decision.

7.37 While comments have been received from neighbour responses regarding flooding on site, as set out above, the site drainage would be a matter which would be assessed and inspected by Building Control for a scheme of this size.

7.38 Other Material Matters

7.39 It is noted that a significant number of neighbour comments have been made in relation to developer behaviour. It should be noted that this is not a material planning consideration and does not affect the determination of an application.

7.40 Comments have also been received from neighbouring occupiers that more affordable homes are needed in the area. The proposal scheme does not meet the threshold for requiring affordable housing and therefore this is not a material consideration in the determination of this application.

7.41 Concerns have been raised by neighbours in relation to damage to private property. It should be noted that if damage is caused to private property during the construction phase this is a civil matter between the resident and the builder, beyond the realm of planning permission.

7.42 Planning Balance

7.43 The proposal complies with planning policy and does not create any significantly detrimental effects on the residential amenity of nearby occupiers or on the visual amenity and character of the wider area. The application is therefore recommended for approval.

8.0 APPENDICES

8.1 Appendix 1- Recommended Conditions

Background Documents

23/00450/FUL

19/00708/OUT

20/00808/RMA

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

Appendix 1- Recommended Conditions

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

Plan Reference	Version No	Date Received
PO25(SK)015	G	8th May 2024
CEMP	Rev 04	14th February 2024
Planning, Design and Access Statement		2nd January 2024
Ecology Report		2nd January 2024
A129	A	2nd January 2024
A125	A	2nd January 2024
A131	A	2nd January 2024
A103	A	2nd January 2024
A111	A	2nd January 2024
A110	A	2nd January 2024
A124	A	2nd January 2024
A117	A	2nd January 2024
A118	A	2nd January 2024
2353_180		2nd January 2024
A104	A	2nd January 2024
A100		13th April 2023
A101		13th April 2023
Ecological Appraisal		13th April 2023
CONTAMINATION REPORT PT 1		13th April 2023
CONTAMINATION REPORT PT 2		13th April 2023
NEWT SURVEY		13th April 2023
REPTILE SURVEY		13th April 2023
SUSTAINABILITY STATEMENT		13th April 2023
TREE SURVEY		13th April 2023
7.01/GA/01		13th April 2023
7.01/GA/02		13th April 2023
A107		13th April 2023
A108		13th April 2023
A114		13th April 2023
A115		13th April 2023
A121		18th April 2023
A122		18th April 2023
A128		13th April 2023
2353_OS	A	22nd May 2023
10306-D-AMS		14th June 2023
Arboricultural Impact Assessment		14th June 2023

- 1 Reason: To define the scope and extent of this permission.
- 2 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on drawing PO25(SK)015 REV G.

- 2 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 3 The obscurely glazed windows as detailed on the approved elevation drawings of the development hereby permitted shall be glazed using obscured glass and fixed shut to a height of 1.7m from finished floor level and maintained in perpetuity.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in any elevation(s), without the prior written consent of the Local Planning Authority.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A, AA, B, or C; of Part 1; of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 6 The development hereby permitted shall be carried out at all stages in strict accordance with the Construction Environment Management Plan (CEMP) received on 14.02.2024.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 8 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a. As detailed on Planning, Design and Access Statement received 02.01.2024; or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 8 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 9 Prior to the first occupation of any dwelling within the development hereby approved, a landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by, the local planning authority. The content of the LEMP shall include, but not be limited to, the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives (including biodiversity net gain).
 - e) Prescriptions for management actions.
 - f) Preparation of the work schedule (including an annual work plan capable of being rolled forward over a 30 year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.
 - i) Annual reporting.
 - j) Legal and funding mechanism(s) for the long-term implementation of the plan, including the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

- 9 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 10 Prior to the first occupation of any dwelling, evidence of the purchase of 2.45 biodiversity units (habitat types: other neutral grassland and mixed scrub) shall be submitted to and approved in writing by the Local Planning Authority.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 11 The development shall be carried out in accordance with the sustainability measures set out within the Planning, Design and Access Statement.
- 11 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Climate Change SPD, 2021.
- 12 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 (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 13 Prior to first occupation or commencement of use full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include boundary treatments. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 14 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.
- 14 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 (as amended 2023).

END